

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Criminal Misc. No. M- 49143 of 2017(O&M)

Date of Decision: February 06 , 2018.

Deepika and others

..... PETITIONER (s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kamaljit Singh Dhillon, Advocate
for the petitioners.

Mr. Jasdeep Singh Walia, Sr.DAG, Punjab.

Mr. Avtar Singh Khinda, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.26 dated 18.01.2014 under Sections 313/511/323/506/315 IPC registered at Police Station City Kapurthala, District Kapurthala and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the petitioners and respondent No.2 are all members of a joint family. Petitioners No.1 to 3 are the daughters and son of the brother of the complainant's father-in-law. Petitioner No.4 is also related to the complainant's in-laws family. It is submitted that the abovesaid FIR was registered at the instance of respondent No.2 due to certain misunderstandings.

The matter has been amicably settled between the parties with the intervention of respectables and relatives. All misunderstandings between the parties have since been removed. The parties, it is submitted, wish to live in peace and harmony after removal of acrimony. Respondent No.2, it is submitted, has no objection to the quashing of the aforementioned FIR against the petitioners. It is submitted that police authorities on investigation had submitted a cancellation report on 06.06.2016 (Annexure P2), but the same was not accepted by the learned Chief Judicial Magistrate, Kapurthala vide order dated 20.08.2016 (Annexure P3) on the ground that the offences in the FIR in question are non-compoundable and re-investigation was ordered by the learned Chief Judicial Magistrate, Kapurthala. It is thus prayed that this petition be allowed.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

This Court on 22.12.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence. Learned Illaqa Magistrate was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 22.12.2017, the parties appeared before the

learned Chief Judicial Magistrate, Kapurthala and their statements were recorded on 19.01.2018. Respondent No.2 stated that the matter has been compromised with all the accused petitioners out of her own free will without any pressure, coercion or undue influence and she did not want to proceed any further with the case. It is reiterated that she suffered her statement without any pressure, coercion or inducement. Respondent No.2 stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 23.01.2018 received from the learned Chief Judicial Magistrate, Kapurthala, satisfaction is expressed that the settlement between the parties is genuine, arrived at out of the free will of the parties without any threat, coercion or pressure. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for the State has not raised any serious objection to the quashing of the FIR in question as well as all consequential proceedings on the basis of a settlement arrived at between the parties.

In **Kulwinder Singh and others versus State of Punjab and another** 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

Keeping in view the facts and circumstances of this case, it would be

in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 26 dated 18.01.2014 under Sections 313/511/323/506/315 IPC registered at Police Station City Kapurthala, District Kapurthala alongwith all consequential proceedings are, hereby, quashed.

February 06 , 2018.
'om'

**(LISA GILL)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No