

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

Criminal Misc. No.M- 5120 of 2018 (O&M)

Date of decision : May 02, 2018

Rakesh Kumar and others

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Manuj Nagrath, Advocate for the petitioners.

Mr. D.S. Sukarchakia, DAG, Punjab.

Mr. H.S. Jalal, Advocate for respondents No.2 to 5.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 153 dated 22.05.2016 under Sections 323/341/452/354B/506/148/149 IPC registered at Police Station Jodhewal, Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise dated 31.05.2016 (Annexure P-2) arrived at between the parties.

The abovesaid FIR was registered on the statement of respondent No.2. It is submitted that the above said FIR was registered due to certain misunderstandings between the parties, which have since been removed with the intervention of respectables. Respondents No. 2 to 5, it is submitted, do not wish to continue with the proceedings against the petitioners. Respondent No. 2 is the complainant. Respondents No. 3 to 5 are the affected/injured persons. The parties wish to live in peace and harmony.

This Court on 07.02.2018 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect

to the above-mentioned compromise. Learned trial court/Illaq 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 trial court/Illaq 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 07.02.2018, the parties appeared before the learned Judicial Magistrate First Class, Ludhiana and their statements were recorded on 12.03.2018. Respondent No.2 stated that the matter has been compromised by him with all the accused persons out of his own free will, without any pressure or influence. Respondent No.2 stated that he has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of respondents No. 3 to 5 were recorded to the same effect. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 31.03.2018 received from the learned Judicial Magistrate First Class, Ludhiana satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any pressure, coercion or undue influence. None of the petitioners is reported to be a proclaimed offender. Statement of Sudarshan Lal, the Investigating Officer in this respect was also recorded. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 to 5 reaffirms and verifies the factum of settlement between the parties. It is reiterated that

respondents No. 2 to 5 have no objection to the quashing of the abovementioned FIR against the petitioners as the parties have decided to live in peace and harmony after burring the hatchet.

Learned counsel for the State submits that as the abovesaid FIR as the parties have amicably resolved the matter in order to maintain peace and harmony, the State has no objection to the quashing of this FIR 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. 153 dated 22.05.2016 under Sections 323/341/452/354B/506/148/149 IPC registered at Police Station Jodhewal, Ludhiana alongwith all consequential proceedings are, hereby, quashed.

May 02, 2018
rts

(Lisa Gill)
Judge

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