

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

Criminal Misc. No. M- 5242 of 2017(O&M)

Date of Decision: January 09 , 2018.

Akul Mahajan

..... PETITIONER(s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. Manoj Kumar Pundir, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.89 dated 13.03.2015 under Sections 294/427/506/354/341 IPC and Sections 66A/67A of the Information Technology Act, 2000, registered at Police Station Civil Lines, Amritsar and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the abovesaid FIR was registered at the instance of respondent No.2 on account of certain misunderstandings and sudden provocation. Respondent No.3 is the affected person in this case. However, with the intervention of respectables and friends, the matter has been amicably resolved between the parties, the terms of which were reduced into writing on

28.12.2016 (Annexure P2). The parties decided to put an end to the acrimony between them and wish to live in peace and harmony.

This Court on 27.03.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned trial court 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 was also directed to intimate whether the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 27.03.2017, the parties appeared before the learned Judicial Magistrate First Class, Amritsar and their statements were recorded on 30.03.2017. Respondents No.2 and 3 stated that the matter has been amicably resolved with the petitioner out of their own free will, without any pressure or coercion. It is stated that they have no objection in case the abovesaid FIR against the accused petitioner is quashed, subject to the strict adherence to the terms and conditions of the compromise (Annexure P2). Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 30.03.2017 received from the learned Judicial Magistrate First Class, Amritsar, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived out of the free will of the parties. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 reiterates the factum of settlement between the parties. It is submitted that respondents No.2 and 3 have no objection to the quashing of the abovementioned FIR against the petitioner subject to strict adherence to the terms and conditions of the agreement arrived at between the parties.

Learned counsel for the petitioner submits that the petitioner undertakes to strictly abide by the terms and conditions of the settlement.

Learned counsel for the State has raised no 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.89 dated 13.03.2015 under Sections 294/427/506/354/341 IPC and Sections 66A/67A of the

Information Technology Act, 2000, registered at Police Station Civil Lines,
Amritsar alongwith all consequential proceedings are, hereby, quashed.

January 09 , 2018.
'om'

(LISA GILL)
JUDGE

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