

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

Criminal Misc. No. M- 8104 of 2018(O&M)

Date of Decision: May 03 , 2018.

Shivam Ojha

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vaibhav Narang, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Umesh Aggarwal, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.271 dated 30.05.2017 under Sections 354B/34 IPC registered at Police Station Civil Lines, District Police Commissionerate 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 due to certain misunderstandings between the parties which were cleared with the intervention of respectables and elders. The terms of the settlement were reduced into writing on 10.02.2018 (Annexure P1). Respondent No.2, it is submitted, no longer wishes to proceed with the matter.

This Court on 26.02.2018 directed the parties to appear before

learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/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 trial court/Illaqa Magistrate 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 26.02.2018, the parties appeared before the learned Chief Judicial Magistrate, Amritsar and their statements were recorded on 19.03.2018. Respondent No.2 stated that with the intervention of respectables she has compromised the matter with the accused petitioner out of her own free will without any pressure, coercion or threat and has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well. Statement of ASI Satpal Singh was recorded on 21.03.2018 to the effect that the petitioner, who is not involved in any other criminal case, is the sole accused in this case and he has not been declared a proclaimed offender.

As per report dated 26.03.2018 received from the learned Chief Judicial Magistrate, Amritsar, satisfaction is expressed that the compromise between the parties is bonafide and genuine, arrived at out of the free will of the parties without any pressure. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

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 the petitioners.

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.271 dated 30.05.2017 under Sections 354B/34 IPC registered at Police Station Civil Lines, District Police Commissionerate Amritsar alongwith all consequential proceedings are, hereby, quashed.

May 03, 2018.
'om'

(LISA GILL)
JUDGE

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