

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

CRM-M-24937-2020

Date of Decision: November 03, 2020.

JOGA SINGH AND OTHERS

..... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Amit Dhawan, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. Prabhjot Singh Bedi, Advocate
for respondent no.2.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for quashing of FIR bearing No.10 dated 06.01.2006 under section 323, 324, 325, 326, 148, 149 IPC, registered at Police Station Nakodar, District Jalandhar and all other consequential proceedings arising therefrom on the basis of a compromise dated 17.02.2006 (Annexure P2) arrived at between the parties.

With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 17.02.2006. The parties wish to live in peace and

harmony and put an end to the acrimony between them. The present petitions have been filed on the basis of this compromise.

The parties were directed vide order dated 28.08.2020 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 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 28.08.2020, the parties appeared before the learned Sub Divisional Judicial Magistrate, Nakodar and their statements were recorded on 25.09.2020. All the parties stated that the matter has been compromised by them out of their own free will, without any pressure or coercion. Statements of the parties in respect to the compromise were recorded.

As per report dated 25.09.2020 received from the learned Sub Divisional Judicial Magistrate, Nakodar, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of free will of the parties, without any coercion or undue influence. Statements of the parties are appended alongwith the said report.

Learned counsel for the parties re-affirm and verify the factum of settlement between the parties. It is reiterated that there is no objection to the quashing of the abovementioned FIR and the cross case.

Learned counsel for the State submits that 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 above said 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.10 dated 06.01.2006 under section 323, 324, 325, 326, 148, 149 IPC, registered at Police Station Nakodar, District Jalandhar alongwith all consequential proceedings are, hereby, quashed.

03.11.2020

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No