

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

CRM-M-24910-2020

Date of decision : November 02, 2020

INDU RANA

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jaspreet Singh Brar, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Shivender Pal, 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 No.360 dated 11.07.2020, under Sections 406, 420, 120-B IPC, registered at Police Station Shahabad, District Kurukshetra (Annexure P-1), along with consequential proceedings arising therefrom, qua the present petitioner only, on the basis of a compromise dated 22.08.2020 (Annexure P-2), arrived at between the parties.

With the intervention of respectables and relatives, a compromise has been arrived at between the petitioner and the complainant, the terms of which were reduced into writing on 22.08.2020. The present parties wish to live in peace and harmony and put an end to the acrimony between them. This petition has been filed on the basis of this compromise.

This Court on 28.08.2020 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/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 offenders 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 28.08.2020, the parties appeared before the learned Sub Divisional Judicial Magistrate, Shahabad and their statements were recorded on 24.09.2020. Respondent No.2 stated that the matter has been compromised by him with the present petitioner out of his own free will, without any pressure or coercion. Respondent No.2 stated that he has no objection to the quashing of the abovesaid FIR qua the present petitioner only. Statement of the petitioner in respect to the compromise was also recorded.

As per report dated 29.09.2020 received from the learned Sub Divisional Judicial Magistrate, Shahabad, satisfaction is expressed that the compromise between the parties is genuine, arrived out of free will of the parties, without any coercion or undue influence. Complainant/respondent No. 2, Nasib Singh has specifically stated in his statement recorded on 24.09.2020 that he has amicably resolved the matter with the present petitioner without any pressure, threat or coercion. 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 present petitioner.

It is to be noted that there are two other accused in this matter.

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 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.360 dated 11.07.2020, under Sections 406, 420, 120-B IPC, registered at Police Station Shahabad, District Kurukshetra alongwith all consequential proceedings are, hereby, quashed, qua the present petitioner only.

November 02, 2020
rts

(Lisa Gill)
Judge

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