

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21173-2022

Date of Decision: July 07, 2022

SUCHA SINGH LANGAH AND OTHERS Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gursharan Singh, Advocate for
Mr. Sunil Kumar, Advocate
for the petitioners.

Ms. Sunint Kaur , Asst. A.G., Punjab.

Mr. Gursewak Singh, Advocate
for respondent no.2-complainant.

LISA GILL, J.

Prayer in this petition is for quashing of FIR bearing No.57 dated 21.08.2017 under section 448, 511, 454, 427, 188, 506, 148, 149 IPC, registered at Police Station Bhaini Mian Khan, District Gurdaspur and all other consequential proceedings arising therefrom on the basis of compromise dated 09.04.2022 (Annexure P2) arrived at between the parties.

It is submitted that with the intervention of respectables and relatives, compromise has been arrived at between the parties, the terms of which were reduced into writing on 09.04.2022. Parties, it is stated wish to live in peace and harmony and put an end to the acrimony between them.

Present petition has been filed on the basis of this compromise.

The parties were directed vide order dated 18.05.2022 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 genuineness of 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 18.05.2022, parties appeared before the learned Additional Chief Judicial Magistrate, Gurdaspur and their statements were recorded on 20.05.2022.

As per report dated 21.06.2022 received from the learned Additional Chief Judicial Magistrate, Gurdaspur, satisfaction is expressed that compromise between the parties is genuine, arrived at out of free will of the parties, without any coercion or undue influence. It is further reported that there were total 27 accused, out of which two accused namely Sewa Singh Sekhwan son of Ujagar Singh, resident of Sekhwan, Tehsil Batala, District Gurdaspur and Gurnam Singh son of Munsha Singh, resident of Bhaini Mian Khan, Tehsil and District Gurdaspur have died. It is further reported that the complainant – respondent no.2 has suffered a statement to the effect that he has no objection in case FIR No.57 dated 21.08.2017, registered at his instance is quashed as the matter has been amicably resolved between him and all the accused persons. It is further stated that the

compromise has been entered into by the complainant out of his own free will without any kind of pressure or coercion. Separate statements of all the 25 petitioners have also been recorded. Complainant and all the accused persons were duly identified by their respective counsel. ASI Avtar Singh, the Investigating Officer of this case has also recorded his statement. Copies of statements of the accused/petitioners as well as the complainant are attached along with the report dated 21.06.2022. It is duly mentioned in the said report that none of the accused has been declared as proclaimed offender in this case and except this case, there is no other criminal case/cross-case pending against each other.

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.

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.57 dated 21.08.2017 under section 448, 511, 454, 427, 188, 506, 148, 149 IPC, registered at Police Station Bhaini Mian Khan, District Gurdaspur alongwith all consequential proceedings are, hereby, quashed.

07.07.2022
Sunil

(LISA GILL)
JUDGE

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