

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

**CRM-M-53442 of 2019(O&M)
Date of Decision:07.04.2022**

Maninder Singh @ Mani and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Madan Sandhu, Advocate
the petitioner.

Ms. Sunint Kaur, AAG., Punjab.

Mr.S.S.Grewal, Advocate
for respondents no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.190 dated 21.10.2019, under Sections 294 and 504 IPC and Section 66 and 67 of the Information and Technology Act 2000, registered at Police Station Bhikhi, District Mansa, along with all other consequential proceedings arising therefrom on the basis of a compromise dated 20.11.2019 (Annexure P-2) arrived at between the parties.

It is submitted that the above-said FIR was registered on a complaint submitted by respondent no.2 against the petitioners. It is further submitted that the parties are residents of the same area and with the intervention of respectables of the village, the matter has been amicably resolved between the parties. The parties wish to live in peace

and harmony. Respondent no.2 does not wish to continue with the proceedings and has no objection in case the aforementioned FIR against all the petitioners is quashed. It is thus prayed that this petition be allowed.

A Coordinate bench of this High Court on 22.12.2021 as well as this Court on 30.03.2022 directed the parties to appear before the learned trial court for recording of 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 petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Statement of the Investigating Officer was directed to be recorded as to how many victims/complainants are involved in the FIR.

Pursuant to orders dated 22.12.2021 and 30.03.2022, the parties appeared before the learned Judicial Magistrate Ist Class, Mansa, on 05.04.2022. Respondent No.2-complainant stated that the matter has been amicably resolved with the petitioners out of his own free will, without any pressure or coercion and he has no objection to the quashing of the aforementioned FIR. Statement of the petitioners in respect to the settlement was recorded. Statement of Investigating Officer ASI Kulwant Singh, No. 656/Mansa, Police Station Bhikhi, District Mansa, was also recorded before the Judicial Magistrate Ist Class, Mansa, earlier on 31.03.2022 to the effect that investigation was complete and cancellation report prepared, though the same was not presented in Court. It was

affirmed that there are no other accused except the three petitioners and that none of them have ever been declared to be proclaimed offenders.

As per report dated 05.04.2022, received from the learned Judicial Magistrate Ist Class, Mansa satisfaction is expressed that compromise between the parties is genuine, arrived at voluntarily out of free will of the parties, without any pressure or coercion. Petitioners are not reported to be proclaimed offenders.

Learned counsel for respondent no.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioners.

Learned counsel for the State has not raised any serious 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 peculiar facts and circumstances of the case, it is considered just and expedient to allow this petition.

This petition is, thus, allowed and FIR No.190 dated 21.10.2019, under Sections 294 and 504 IPC and Section 66 and 67 of the Information and Technology Act 2000, registered at Police Station

Bhikhi, District Mansa, alongwith all consequential proceedings are,
hereby, quashed.

07.04.2022
s.khan

[LISA GILL]
Judge

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