

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Crl. Misc. No. M- 25352 of 2013(O&M)

Date of Decision: February 27, 2015.

Puneet Kapoor @ Baba and another

..... PETITIONER(s)

Versus

Union Territory, Chandigarh and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rohit Vema, Advocate
for the petitioners.

Mr. J.S.Toor, APP, U.T. Chandigarh.

None for respondent No.2-complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

1. Prayer in this petition is for quashing of FIR No.383 dated 30.06.2013, under Sections 323/354/34 IPC, registered at police station Sector 17, Chandigarh and all other consequential proceedings arising therefrom on the basis of compromise having been entered into between the parties.

2. Aforesaid FIR has been registered on the basis of statement of

Palak Sabharwal, respondent No.2 alleging the commission of offences punishable under Sections 323/354/34 IPC by the petitioners.

3. Due to the intervention of respectables, elders and friends, a settlement has been arrived at between the parties on 01.08.2013. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

4. This Court on 08.10.2013 and 06.12.2013 had directed the parties to appear before the learned trial court for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding genuineness of the compromise alongwith statements of the parties.

5. As per report dated 17.01.2014 submitted by the learned Judicial Magistrate First Class, Chandigarh, it was mentioned that the name of respondent No.2-complainant in Challan/report under Section 173 Cr.P.C. is 'Palak Sabharwal' and the person who got recorded her statement is 'Bawa Preet Kaur' thereby, raising a doubt on the settlement. Thereafter on 18.07.2014, it was clarified before this Court that 'Palak Sabharwal' and 'Bawa Preet Kaur' daughter of Sardar Balbir Singh are one and the same person. Parties were again directed to appear before the trial court. Investigating Officer of the case was also directed to appear on the date fixed.

6. Report dated 25.02.2015 has been received from the learned Judicial Magistrate First Class, Chandigarh wherein it is stated that respondent No.2-complainant, Palak Sabharwal @ Bawa Preet Kaur @ Palak Preet Sabharwal appeared and got her statement recorded to the effect that she no

longer wishes to continue the proceedings against the petitioners and she has no objection to the quashing of the abovesaid FIR. On the basis of documents, it was also confirmed that it was indeed the complainant who has made the statement before the trial court and she is known by the aforesaid three names. Identity of respondent No.2/complainant has also been verified by SI Gurvinder Singh, Investigating Officer of this case. The settlement between the parties is found to be genuine, voluntary and entered into without any pressure, coercion or undue influence. Statements of the parties have been appended alongwith this report.

7. On earlier occasion, Mr.Nikhil Sharma, Advocate had appeared on behalf of respondent No.2-complainant and stated that respondent No.2 has no objection to the quashing of the aforementioned FIR against the petitioners.

8. 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”.

9. In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility as the chances of conviction of the

petitioners are bleak.

10. This petition is, thus, allowed and FIR No.383 dated 30.06.2013, under Sections 323/354/34 IPC, registered at police station Sector 17, Chandigarh alongwith all consequential proceedings is, hereby, quashed.

February 27, 2015.
'om'

(LISA GILL)
JUDGE