

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-40614 of 2014

.....

Date of decision:29.1.2015

Nadeem Khan

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.K. Bansal, Advocate for the petitioner.

Mr. Amarinder Singh Klar, Assistant Advocate General,
Punjab for the respondent-State.

Mr. J.S. Dhaliwal, Advocate for respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.201 dated 14.11.2014 (Annexure-P.1) registered for the offences under Sections 354 and 354-B IPC and Section 8 of Protection of Children from Sexual Offence Act, 2012 at Police Station City Sunam, District Sangrur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Rukmani on the allegations that the petitioner was keeping evil eyes upon her from last few days and also molesting her. On the day of occurrence,

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when she went to his home for doing work, then he started molesting her and trying to outrage her modesty. She saved herself from his clutches and ran away by raising alarm and told this incident to her mother. Now with intervention of respectable persons and elders, the matter has been amicably compromised between the parties and they have resolved their disputes and differences and removed all the misunderstanding/grievances between the parties have come to an end and the complainant and her family members agreed not to pursue the above said FIR and they have no objection if the aforesaid FIR is quashed.

Therefore, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Sub Divisional Judicial Magistrate, Sunam (Sangrur) has sent his report dated 20.12.2014 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant-respondent No.2-Rukmani has stated that the matter has stood compromised, hence she does not want to proceed further into the matter and her statement is without any pressure or coercion and she has no objection if the aforesaid FIR is quashed.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR in view of the law laid down by the

Hon'ble Supreme Court.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, wherein it has been held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable, this petition is allowed and FIR No.201 dated 14.11.2014 (Annexure-P.1) registered for the offences under Sections 354 and 354-B IPC and Section 8 of Protection of Children from Sexual Offence Act, 2012 at Police Station

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City Sunam, District Sangrur and all subsequent proceedings arising out of the same are hereby quashed.

January 29, 2015.

(Inderjit Singh)
Judge

hsp