

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-4120 of 2015

.....

Date of decision:6.11.2015

Jap Sahib Preet Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Madan Gupta and Mr. Aayush Gupta, Advocates for the petitioner.

Mr. B.S. Bhullar, Assistant Advocate General, Punjab
for the respondent-State.

None for complainant-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.240 dated 13.11.2014 (Annexure-P.1) registered for the offences under Sections 354, 452, 323 and 506 IPC at Police Station Sarabha Nagar, Ludhiana, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Anuradha Arora on the allegations that the accused-petitioner entered her house on 12.11.2014 and tried to misbehave with her and her family members including her father and the grand-mother. It has further been alleged that the petitioner used to harass the complainant earlier also. Now with intervention of respectable persons, the matter has been amicably compromised between the complainant and they have entered into a

compromise (Annexure-P2) and resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate, Ludhiana has sent his report dated 27.5.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer admits the factum of compromise and submits 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 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

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amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.240 dated 13.11.2014 (Annexure-P.1) registered for the offences under Sections 354, 452, 323 and 506 IPC at Police Station Sarabha Nagar, Ludhiana, District Ludhiana and all subsequent proceedings arising out of the same are hereby quashed.

November 6, 2015.

(Inderjit Singh)
Judge

hsp