

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

Crl. Misc. M 16540 of 2016 (O&M)
Date of decision: 21.10.2016

Kallu @ Bhindi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Raj Kapoor, Advocate
for the petitioner.

Mr. Surinder Kumar Yadav, DAG, Haryana,

Mr. Chander Pal Tiwana, Advocate,
for respondents No.2 to 5.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 263 dated 10.10.2012 (Annexure P/1) registered under Sections 354, 452, 323 and 506 IPC at Police Station Narwana City, District Jind, and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant—Suman on the allegations that on the intervening night of 9/10.10.2012, her husband was not present at home and at about 1 a.m. her neighbour/accused trespassed her house by jumping the wall from the back side with an intention to outrage the modesty of her daughter, namely Sunita, aged 17 years, while she was sleeping. When she raised her voice then the accused pressed her mouth forcefully and teased her daughter with bad intention. On

hearing the noise, when the complainant woke up, the accused ran away. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have 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. In pursuance of the direction, a report has been received from the Judicial Magistrate Ist Class, Narwana, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Deputy Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for the 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 parties and have also gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, a 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.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No. 263 dated 10.10.2012 (Annexure P/1) registered under Sections 354, 452, 323 and 506 IPC at Police Station Narwana City, District Jind and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

21.10.2016

prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No