

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

1. CRM-M No. 17805 of 2015

Jasvir Singh

...Petitioner

Versus

State of Punjab & Others

...Respondents

2. CRM-M No. 43660 of 2016

Abhinanda & Others

...Petitioners

Versus

State of Punjab & Another

...Respondents

Date of Decision: 09.12.2016

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kartik Gupta, Advocate
for the petitioner in CRM-M No. 17805 of 2015.

Mr. Amit Shukla, Advocate
for the petitioners in CRM No. 43660 of 2016.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for respondent-State in both cases.

Mr. Vinod Kumar, Advocate
for respondent No. 2-Jarnail Singh in both cases.

None for respondent No. 3-Baljinder Kaur
in CRM-M No. 17805 of 2015.

JAISHREE THAKUR, J. (Oral)

This common order shall dispose of above mentioned two
petition since both the petitions have arisen out of the same FIR.

These petitions have been filed under Section 482 of the Code
of Criminal Procedure seeking quashing of FIR No. 163 dated 05.11.2014,

registered under Sections 363 and 366 of the Indian Penal Code at Police Station Mukerian, District Hoshiarpur and all subsequent proceedings arising therefrom in view of the compromise entered into between the rival parties.

The FIR in question was registered on the statement of complainant-Jarnail Singh on the allegations that Jasvir Singh has taken her daughter-Balwinder Kaur by instigating her while she had gone to her college. He has levelled allegations that in the entire conspiracy, sister-in-law, brother as well as mother of Jasvir Singh were also involved. Now with the intervention of respectable persons, the dispute has been amicably settled between the parties and they have entered into a compromise.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Sub-Divisional Judicial Magistrate at Mukerian, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one. It is also reported that no PO proceeding is pending against either of the parties.

Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer and learned counsel for respondent No. 2-complainant admit the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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 rival parties and 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 down by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and another, 2012(4) RCR (Cr.) 543*, both the above mentioned petitions are allowed and FIR No. 163 dated 05.11.2014, registered under Sections 363 and 366 of the Indian Penal Code at Police Station Mukerian, District Hoshiarpur and all subsequent proceedings arising out of the same are quashed qua above mentioned both the sets of petitioners.

Petitions stand disposed of.

09.12.2016

Ansari

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No