

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

**CRM-M No. 31823 of 2015
Date of decision: 18.11.2016**

Anil Kumar

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G. S. Verma, Advocate
for the petitioner.

Mr. Mikhail Kad, AAG, Punjab
for respondent No. 1-State.

Mr. Samuel Gill, Advocate
for respondent Nos. 2 and 3.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 38 dated 27.03.2014 (**Annexure P-1**), registered under Sections 363 and 366-A of the IPC and additional charge under Section 376 of the IPC at Police Station Jamalpur, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise dated 06.08.2015 (**Annexure P-4**) entered into between the parties.

In brief, the facts of the case are that the petitioner and respondent No.3, who were known to each other, wanted to marry. However, the parents of respondent No.3 did not agree which led to the petitioner and respondent No.3 marrying on 24.03.2014 against the wishes of the father of respondent No.3. Respondent No.2 thereafter lodged above mentioned FIR against the petitioner on the ground that the petitioner had

enticed his daughter. The petitioner came to be arrested and ultimately was released on bail. Thereafter, the petitioner and respondent No.3 have been residing as husband and wife and out of which wedlock a baby girl has been born to them. 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 the Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the Additional District & Sessions Judge, Ludhiana, 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 other case is pending between the parties.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the respondent Nos. 2 and 3 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*, this petition is allowed and FIR No. 38 dated 27.03.2014 (**Annexure P-4**), registered under Sections 363, 366-A and 376 of the IPC at Police Station Jamalpur, District Ludhiana and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

18.11.2016

Sp

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No