

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

CRM-M-35203-2015

Date of decision: 28.11.2016

Ashish Tandon

...Petitioner

Versus

UT of Chandigarh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Nancy Bhola, Advocate, for
Mr. J.S. Bagga, Advocate,
for the petitioner.

Mr. A.S. Gill, Asstt. P.P., U.T., Chandigarh.

None for respondent No.2.

JAISHREE THAKUR, J.

The petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No.228 dated 16.06.2015 (Annexure P-1) registered under Sections 354 and 354A-IPC at Police Station Sector 39, Chandigarh and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2).

The FIR has been registered on the statement of complainant-Nisha Thapa on the allegations that the accused-petitioner committed wrongful act and passed wrong gestures. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties vide compromise deed dated 26.07.2015 (Annexure P-2) 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, Chandigarh, 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 Assistant P.P., U.T., Chandigarh, 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 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.228 dated 16.06.2015 (Annexure P-1) registered under Sections 354 and 354A-IPC at Police Station Sector 39,

Chandigarh and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

28.11.2016
Dinesh

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable

Yes/No.