

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

Crl. Misc. M 37781 of 2015 (O&M)
Date of decision: 8.11.2016

Nishu and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Dhawaljeet Dutta, Advocate
for the petitioners.

Mr. Arshdeep S. Kler, DAG, Punjab.

None for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 302 dated 7.9.2015 (Annexure P/1) registered under Sections 363 and 366-A IPC at Police Station Civil Lines, District Amritsar and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant—Raju on the allegations that the accused-petitioner has six children, five daughters and one son. Nishu-petitioner No.1 used to come to his house with his son-in-law Sunny-petitioner No.2 and Nishu developed love affairs with his minor daughter Aarti. Nishu had allured and taken his minor daughter away with an intention to marry her. The complainant suspected that in this occurrence, there is hand of his son-in-law and as such lodged

the report. 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 Chief Judicial Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the Chief Judicial Magistrate, Amritsar, 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, Punjab, on instructions from the Investigating Officer admits 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. 302 dated 7.9.2015 (Annexure P/1) registered under Sections 363 and 366-A IPC at Police Station Civil Lines, District Amritsar and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

8.11.2016
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No