

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

**CRM-M No. 3926 of 2016
Date of decision: 15.11.2016**

Gurcharan Singh alias Channa

...Petitioner

Versus

State of Punjab & Another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Arshdeep S. Kler, DAG, Punjab
for respondent No. 1-State.

None for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 120 dated 11.10.2015 (**Annexure P-1**), registered under Sections 494, 497 and 498-A of the Indian Penal Code at Police Station Kot Isah Khan, District Moga and all subsequent proceedings arising therefrom in view of the compromise dated 27.01.2016 (**Annexure P-2**) entered into between the parties.

The FIR was registered on the statement of complainant-Parneet Kaur on the allegations that the accused-petitioner has been beating her and demanding more dowry articles and cash and further that he is having illicit relationship with a lady. 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 Judicial Magistrate First Class at Moga, 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 Deputy Advocate General, Punjab on instructions from the Investigating Officer admits the factum of compromise and submits 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 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. 120 dated 11.10.2015 (**Annexure P-1**), registered under Sections 494, 497 and 498-A of the Indian

Penal Code at Police Station Kot Isah Khan, District Moga and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

November 15, 2016

Ansari

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No