

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-41990 of 2015

.....

Date of decision:18.2.2016

Shobna Desai and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. P.S. Punia, Advocate for the petitioners.

Mr. Sidakmeet Sandhu, Assistant Advocate General, Punjab
for the respondent-State.

Mr. G.S. Jagpal, Advocate for complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.19 dated 6.4.2011 (Annexure-P.1) registered for the offences under Section 295-A IPC and Section 66-A of Information Technology Act, 2000 at Police Station Daresi, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Dr. D.P. Khosla on the allegations that the accused-petitioners and few other people allegedly hurt the feeling of “Balmiki community” by using the derogatory words about Lord Balmiki Ji Maharaj and wrongly depicted his character, which has gravely hurt the religious sentiments of the whole

Balmiki community through a tele-serial 'Mukti Bandhan' telecasted on 3.2.2011 on Colours channel at 9.30 p.m. Now with intervention of respectable persons of both the parties, 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 trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Ludhiana, has sent his report dated 9.2.2016 submitting 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 Advocate General, Punjab, 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 petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After

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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.

Therefore, keeping in view the fact that the matter has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.19 dated 6.4.2011 (Annexure-P.1) registered for the offences under Section 295-A IPC and Section 66-A of Information Technology Act, 2000 at Police Station Daresi, District Ludhiana and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

February 18, 2016.

(Inderjit Singh)
Judge

hsp