

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

**CRM-M No. 4379 of 2015
Date of decision: 09.12.2016**

Vishal @ Vasu & Another

...Petitioners

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Gursharn K. Mann, Advocate
for the petitioners.

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

None for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 91 dated 15.05.2014 (**Annexure P-1**), under Sections 376, 506, 120-B and 109 of the IPC and Section 4 of the POCSO Act, registered at Police Station Sadar Amritsar, District Amritsar on the basis of the compromise.

Respondent No. 2 have initially lodged an FIR on 15.05.2015 in which allegations punishable under Section 376 were levelled against petitioner No. 1. However, petitioner No. 1 and respondent No. 2 solemnized marriage on 21.01.2015 at Gurudwara Baba Jeewan Singh, Prabandhak Committee, Navi Abadi Faizpura, Amritsar. Thereafter, the petitioner No. 1 and respondent No. 2 approached this Court for protection of their lives and liberty which was granted to them by an order dated 02.02.2015. Since then, the petitioner No. 1 and respondent No. 2 are

residing together happily and out of this wedlock a male child has born to them. A compromise has been effected between the families of the petitioners and respondent No. 2 wherein the father of respondent No. 2 has agreed to the effect that the FIR in question may be quashed and he would have no objection to the same.

Consequently, the parties were directed to appear before the trial Court on 24.10.2016 to verify whether the petitioner and the complainant-respondent No. 2 herein were residing together happily or not. The parties as well as the father of respondent No. 2 appeared before the Additional Sessions Judge, Amritsar stating that they had no objection in case the proceedings arising out the said FIR are quashed qua the petitioners.

In pursuance of the direction, a report has also been received from learned Additional Sessions Judge, Amritsar, 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.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer 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. 91 dated 15.05.2014 (**Annexure P-1**), under Sections 376, 506, 120-B and 109 of the IPC and Section 4 of the POCSO Act, registered at Police Station Sadar Amritsar, District Amritsar and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

09.12.2017

Ansari

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No