

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

Crl. Misc. M 44065 of 2015 (O&M)
Date of decision: 23.11.2016

Chander Shekhar Upreti and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Satyaveer Singh, Advocate
for the petitioners.

Mr. Arshdeep S. Kler, DAG, Punjab.

Ms. Swati Batra, Advocate,
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. 48 dated 10.5.2013 (Annexure P/1) registered under Sections 406, 420, 355, 498-A and 120-B IPC at Police Station Naya Gaon, District SAS Nagar Mohali and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The marriage of the daughter of the complainant was to be solemnized with Devender Kumar son of the petitioners, which could not be materialized as Devender Kumar left the home before marriage without informing his parents and as such the aforesaid FIR came to be registered against the petitioners. Now with the intervention of respectable persons,

the dispute has been amicably settled between the parties and they have entered into a compromise.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned Illaqa Magistrate 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, SAS Nagar, 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 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. 48 dated 10.5.2013 (Annexure P/1) registered under Sections 406, 420, 355, 498-A and 120-B IPC at Police Station Naya Gaon, District SAS Nagar Mohali and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

23.11.2016
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No