

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

CRM-39048-2016 in/and
Crl. Misc. M-7910 of 2015 (O&M)
Date of Decision: 16.12.2016

Tegvir Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Amandeep Kaur Dhiman, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG Punjab.

Mr. Vivek Sharma, Advocate
for respondent No.2.

Mr. Amit Jhanji, Advocate
for respondent No.3-complainant.

JAISHREE THAKUR, J. (Oral)

CRM-39048-2016

Heard.

This application has been preferred for preponing the date from
16.01.2017 on the ground that the matter stands compromised.

For the reasons mentioned in the application, the same is
allowed and the matter is taken up for hearing today itself.

Crl. Misc. M-7910 of 2015

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.13 dated 16.02.2015 registered under Sections 363, 120-B of Indian Penal Code at Police Station Naya Gaon, District SAS Nagar, Mohali (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/4).

A complaint was made by one Sh. Harjit Singh, husband of victim-Rajvinder Kaur that she has been abducted by three persons namely Tegvir Singh, Jaskirat Singh @ Kirti and Bhupinder Singh and on his statement, the aforesaid FIR came to be registered against the petitioners. Thereafter, the matter was compromised between victim Rajvinder Kaur and the three accused on 07.03.2015. On the basis of the compromise, the accused i.e. the petitioners herein filed this petition for quashing of the FIR. During the pendency of the petition, the complainant, who was not a party to the proceedings also moved an application seeking to be impleaded as party, which application was allowed. The parties were directed to appear before Judicial Magistrate Ist Class, Kharar, to get their statements recorded regarding the genuineness of the compromise. The statements have been recorded on 01.04.2015 between victim Rajvinder Kaur, the person who was abducted and the petitioners herein before the Illaqua Magistrate.

Learned counsel appearing on behalf of respondent No.3-complainant also confirms that respondent No.3 would too have no grievance, in case the said compromise is given effect and the proceedings under the aforesaid FIR are dropped.

Learned counsel appearing on behalf of respondent-State, on

instructions from the Investigating Officer and learned counsel for the respondent No.2-victim 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 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 facts that there is a written compromise between the victim and the accused and a statement is made to the effect that complainant being the husband of the victim would have no grievance if the said compromise is given effect 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.13 dated 16.02.2015 registered under Sections 363, 120-B of Indian Penal Code at Police Station Naya Gaon, District SAS Nagar, Mohali and all subsequent proceedings arising out of the same are quashed against the petitioners.

The petition stands disposed of.

16.12.2016
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No