

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-9761 of 2016

.....

Date of decision:12.4.2016

Ashwani Kumar

.....Petitioner

v.

State of Punjab and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Vishal Munjal, Advocate for the petitioner.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Parminder Singh, Advocate for the 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.57 dated 20.12.2015 (Annexure-P.1) registered for the offence under Section 377 IPC at Police Station Taragarh, District Pathankot and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

Learned counsel for the petitioner argued that no offence under Section 377 IPC is made out as the FIR has been lodged due to misunderstanding.

The FIR has been registered on the statement of complainant-

Mukesh Kumar on the allegations that the accused-petitioner came to his Haveli and asked him that whether he has purchased female calf now and where he ties it. The complainant told him that in one room he ties cows and another room he ties the female calf. There is allegation in the FIR that the petitioner has committed unnatural sex with their female calf aged one and half month. Now with the intervention of respectable persons, the matter has been amicably settled and compromise has been entered into between the parties, therefore, 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, Pathankot has sent his report dated 30.3.2016 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 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 petitioner 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

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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.

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.57 dated 20.12.2015 (Annexure-P.1) registered for the offence under Section 377 IPC at Police Station Taragarh, District Pathankot and all subsequent proceedings arising out of the same are hereby quashed.

April 12, 2016.

(Inderjit Singh)
Judge

hsp