

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

Crl. Misc. No.M-982 of 2016

Date of Decision: 11.04.2016

Shivam Dumra and others

....Petitioners

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. R.S. Rangpuri, Advocate
for the petitioners.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Mr. Tarun Singhal, Advocate
for Mr. Prabhjit Singh, Advocate
for respondents No.2 to 12.

DAYA CHAUDHARY, J.

Petitioners-Shivam Dumara, Sukhjinder Singh @ Sukhwinder Sandhu and Mohit Verma are accused in case FIR No.110 dated 26.09.2015 registered under Sections 341, 354, 354(B)/34 IPC and Section 4 of POCSO Act, 2012 at Police Station City Jalalabad, District Fazilka.

The FIR, in question, was registered on the basis of statement made by respondent No.2. However, during pendency of investigation, the matter was compromised between the parties with the intervention of

respectable members. Said compromise was reduced into writing, which was signed by the petitioner as well as respondents No.2 to 12.

In view of compromise arrived at between the parties, the present petition has been filed before this Court for quashing of FIR, in question, along with all consequential proceedings arising therefrom.

Notice of motion in the case was issued on 13.01.2016 and the parties were directed to appear before the Illaqa Magistrate for recording of their statements with regard to compromise.

In response to directions issued by this Court on 13.01.2016, the parties have appeared before Sub Divisional Judicial Magistrate, Jalalabad (West) and their statements were recorded. Thereafter, a report along with statements of the parties has been sent, which is on record. The parties have affirmed the factum of compromise by stating that the purpose of compromise is to maintain peace and harmony in the relations. The compromise between the parties is as per their free will. Complainant-respondent No.2 has no objection in quashing of FIR as well as other proceedings arising therefrom.

As per ratio of judgment of larger Bench of this Court in case ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052***, this Court has power to quash the criminal proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Cr.P.C in order to prevent the abuse of process of law or to secure the ends of justice.

The dispute between the parties has been settled by way of compromise and complainant-respondent No.2 has no objection, in quashing of FIR. Moreover, no purpose would be served, in case, the proceedings are allowed to continue, the ultimate result would be acquittal as the complainant is not going to support the case of the prosecution and

its continuation would be an exercise in futility which will not only be the wastage of valuable time of the Court but it would also not be in the interest of both the parties.

Accordingly, the present petition is allowed and FIR No.110 dated 26.09.2015 registered under Sections 341, 354, 354(B)/34 IPC and Section 4 of POCSO Act, 2012 at Police Station City Jalalabad, District Fazilka along with all consequential proceedings arising therefrom qua petitioners Shivam Dumara, Sukhjinder Singh @ Sukhwinder Sandhu and Mohit Verma are hereby quashed.

11.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE