

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

**CRM-M-10334-2017
Date of decision: 27.09.2017**

Abhishek @ Abhu & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G. S. Simble, Advocate
for the petitioners.

Mr. M. S. Nagra, AAG, Punjab.

Mr. A. S. Sekhon, Advocate
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 22 dated 08.02.2017, under Sections 363, 366-A and 120-B of the IPC, at Police Station Civil Lines, Batala, District Gurdaspur and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

The aforesaid FIR was registered on the basis of the statement of respondent No. 2/complainant wherein he stated that his father had gone to Kuwait and he is living in his house along with his mother Prem Lata and sister Preeti, whose date of birth is 24.04.1999 and studying in 10+2. He further stated that whenever her sister goes out in the market, one Abhishek @ Abhu harass her. Her sister told him about this and they complained of the issue to the parents of Abhishek but instead of taking any action against their son, they started saying that their son loves his sister and wants to

marry her. He further stated that on 06.02.2017 at about 10.00 PM, he found that his sister, who was sleeping in her room, was not on her bed. They tried to trace out her but could not do so. On 07.02.2017 at about 08.00 PM, her sister came back to home and told them that Abhishek, his mother Usha and father Jatinder had called her on her mobile to come outside and smelled her some intoxicant and took her in a car. They pressurized her to marry their son Abhishek but she refused and she managed to escape. 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 the trial Court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from JMIC, Batala, 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. It is also reported that no PO proceeding is pending against either of the petitioners herein.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer, and learned counsel for respondent No. 2 admit to the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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 *Narinder Singh & others vs. State of Punjab & another, (2014) 6 SCC 466*, this petition is allowed and FIR No. 22 dated 08.02.2017, under Sections 363, 366-A and 120-B of the IPC, at Police Station Civil Lines, Batala, District Gurdaspur and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

27.09.2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No