

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

**CRM-M-32383-2017
Date of Decision: 01.11.2017**

Balwant Singh & another

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Manu Loona, Advocate
for the petitioners.

Mr. A. S. Dhaliwal, DAG, Punjab.

Mr. Sahil Khunger, Advocate
for respondents No. 2 and 3.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 18 dated 02.03.2017, under Sections 366 and 120-B of the IPC, registered at Police Station Sadar Fazilka, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 25.03.2017 (Annexure P-3) entered into between the parties.

The aforesaid FIR was registered on the statement of respondent No. 2/complainant with the allegations that the petitioners, in connivance with each other, enticed her daughter-respondent No. 3 herein, aged about 20 years, and abducted her on the pretext to get her married with petitioner No. 1 herein. Now with the intervention of respectable persons,

the dispute has been amicably settled between the parties and they have entered into a compromise as the girl was recovered from the house of a relative of the complainant.

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 ACJM, Fazilka, 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 parties.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer, and learned counsel for respondents No. 2 and 3 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. 18 dated 02.03.2017, under Sections 366 and 120-B of the IPC, registered at Police Station Sadar Fazilka, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners.

The petition stands disposed of.

01.11.2017
Asstari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No