

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

Crl. Misc. M 33043 of 2017 (O&M)
Date of decision: 30.10.2017

Vijay Ahuja and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. RK Girdhar, Advocate
for the petitioners.

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

Mr. Manu Loona, Advocate, for
Mr. Rajesh Bhateja, Advocate,
for respondents No.2 to 6.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 138 dated 24.7.2017 (Annexure P/1) registered under Sections 323, 509, 354, 342, 109 and 149 IPC and Sections 3 of the Scheduled Caste and Scheduled Tribe (Prevention of atrocities Act, 1989 at Police Station City-1, Abohar, District Fazilka, and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant—Kajal. It is averred that initially the FIR was registered under Sections 323, 316, 336, 509, 511, 354, 342, 109 and 149 IPC and Sections 3 of the Scheduled Caste and Scheduled Tribe (Prevention of atrocities Act, 1989.

However, on investigation and on receipt of medical reports, the offences under Sections 316, 336 and 511 IPC were deleted on 31.7.2017. It is further averred that with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial court for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the Sub Divisional Judicial Magistrate, Abohar, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the 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 parties and have also 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 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. 138 dated 24.7.2017 (Annexure P/1) registered under Sections 323, 509, 354, 342, 109 and 149 IPC and Sections 3 of the Scheduled Caste and Scheduled Tribe (Prevention of atrocities Act, 1989 at Police Station City-1, Abohar, District Fazilka, and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

30.10.2017

prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No