

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

CRM-M-38763-2016 (O&M)

Date of decision: 03.08.2017

Ajay Gupta

...Petitioner

Versus

State of U.T., Chandigarh & others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kushaldeep S. Sandhu, Advocate,
for the petitioner.

Mr. Gautam Dutt, APP, U.T., Chandigarh.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 322 dated 26.07.2011, registered under Sections 323, 506 and 354 of the IPC, at Police Station Sector 34, Chandigarh (**Annexure P-1**) and all subsequent proceedings arising therefrom in view of the compromise dated 18.07.2015 (**Annexure P-2**) entered into between the parties.

The aforesaid FIR was registered on the statement of respondent No. 2-Prema, given to the police that petitioner herein misbehaved, beaten and threatened her as also her daughter Jyoti while she was coming back from her school. 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 Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from JMIC at Chandigarh, 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.

Learned APP for U.T., Chandigarh, on instructions from the

Investigating Officer, admits 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 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 *Gian Singh Versus State of Punjab and another, 2012(4) RCR (Cr.) 543*, this petition is allowed and FIR No. 322 dated 26.07.2011, registered under Sections 323, 506 and 354 of the IPC, at Police Station Sector 34, Chandigarh and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

August 03, 2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No