

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

CRM-M-41789-2017

Date of decision: 16.12.2017

Jaspinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.K. Aryra, Advocate,
for the petitioner.

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

Mr. Himanshu Monga, 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. 85 dated 16.09.2017, under Section 376 of the IPC, registered at Police Station Phase-8, S.A.S. Nagar, District Mohali (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

In brief, the facts of the case are that petitioner and respondent No.2 were having love affair with each other but due to different caste, parents of respondent No.2 opposed their relationship and she got registered the instant FIR against the petitioner under their pressure. Now with the intervention of respectable persons, the petitioner and respondent No.2 have performed marriage as per Sikh rites and rituals at Gurudwara Sahib Shri Singh Sabha, Fatehgarh Sahib and a settlement/agreement (Annexure P-3) has been reduced into writing.

Keeping in view the fact that the parties have compromised the matter and performed marriage, they were directed to appear before the trial Court for getting their statements recorded in support of the compromise. In pursuance of the direction, a report in has been received from the the Judicial Magistrate Ist Class, Mohali 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.

Mr. A.S. Dhaliwal, learned DAG, Punjab, on instructions from the Investigating Officer and learned counsel for the respondent No. 2 admit 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 have 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. 85 dated

16.09.2017, under Section 376 of the IPC, registered at Police Station Phase-8, S.A.S. Nagar, District Mohali (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

16.12.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.