

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-41944 of 2015

.....

Date of decision:22.2.2017

Jaswinder Kaur and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Chetan Bansal, Advocate for the petitioners.

Mr. K.S. Aulakh, Assistant Advocate General, Punjab
for the respondent-State.

None for the complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.183 dated 9.7.2015 (Annexure-P.1) registered for the offences under Sections 328 and 120-B IPC at Police Station Sultanwind, District Amritsar City and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Parminster Kaur on the allegations that the accused-petitioners, who are her in-laws, in the absence of her husband, forced her to drink phenyl, as they were insisting her and her husband to leave their house. When the complainant made hue and cry, they all ran away. Seeing her health deteriorating, she called her father Bhupinder Singh, who arrived after

sometime and admitted her in the hospital for treatment. As it is a family dispute, now 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. After doing the needful, learned Chief Judicial Magistrate, Amritsar has sent her report dated 11.1.2016 submitting that the compromise arrived at between the parties, except petitioner No.5-Anu, who did not turn up for getting her statement recorded, is without any pressure or coercion from any one and the same is genuine one.

Learned counsel for the petitioners stated that the petition qua petitioner No.5-Anu may be dismissed as withdrawn as she did not turn up for getting her statement recorded. The petition qua petitioner No.5-Anu is dismissed as withdrawn.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer admits the factum of compromise and submits 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 petitioners as well as learned Assistant Advocate General, Punjab and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, 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.

Therefore, keeping in view the fact that the matter has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.183 dated 9.7.2015 (Annexure-P.1) registered for the offences under Sections 328 and 120-B IPC at Police Station Sultanwind, District Amritsar City and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners No.1 to 4 and dismissed as withdrawn qua petitioner No.5-Anu.

February 22, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No