

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

Crl. Misc. M-46309 of 2016 (O&M)
Date of Decision: July 18, 2017

Santosh

...Petitioner

Versus

U.T. of Chandigarh and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.S. Sarwara, Advocate
for the petitioner.

Mr. Sukant Gupta, PP U.T. Chandigarh.

None 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.196 dated 17.04.2015 registered under Sections 363, 366, 376 of Indian Penal Code and Section 6 of POCSO Act registered at Police Station Sector 34, Chandigarh (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant- Raghbir on the allegations that the some person has taken away his sister by luring her. 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 the Illaqua Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judge Special Court-cum-Addl. Sessions Judge, Chandigarh, 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 PP appearing on behalf of respondent-State, 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 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.196 dated

17.04.2015 registered under Sections 363, 366, 376 of Indian Penal Code and Section 6 of POCSO Act registered at Police Station Sector 34, Chandigarh and all subsequent proceedings arising out of the same are quashed against the petitioner.

The petition stands disposed of.

July 18, 2017

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No