

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

256-A

Crl. Misc. M-1521 of 2018
Date of Decision: 28.02.2018

Dr. Davinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.S. Rawat, Advocate
for the petitioner.

Ms. Anju Arora, Addl. A.G., Punjab.

Mr. Sandeep Arora, Advocate
for the private respondent.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of DDR No. 40 dated 1.4.2016 under Section 354, 506 IPC registered at P.S. Division No. 4, Jalandhar in cross case FIR No. 37 dated 1.4.2016 registered under Sections 186, 427, 506 IPC and Section 353 added later on at Police Station Division No. 4, Jalandhar and all subsequent proceedings arising out of the said cross-case, therefrom in view of the compromise.

The above referred DDR has been got registered on the statement of complainant-Kusum against Dr. Davinder Singh on the allegation that an altercation took place between the petitioner and complainant herein. Thereafter both the parties made a complaint against each other. On the basis of which the DDR has been registered.

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 Chief Judicial Magistrate at Jalandhar, 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 Additional 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 DDR, 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 DDR No. 40 dated 1.4.2016 under Section 354, 506 IPC registered at P.S. Division No. 4, Jalandhar in cross case FIR No. 37 dated 1.4.2016 registered under Sections 186, 427, 506 IPC and Section 353 added later on at Police Station Division No. 4, Jalandhar and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

28.02.2018
 jyoti-iii

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No