

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

Crl. Misc. M- 14823-2017 (O&M)

Date of Decision: 28.09.2018

Shira alias Yakub and others

...Petitioner(s)

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sahil Khunger, Advocate
for the petitioner(s).

Mr. R.S. Khaira, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of notice of proclamation dated 04.01.2017 in FIR No. 142 dated 05.07.2015 registered under Sections 363, 366-A, 120-B of Indian Penal Code at Police Station (Annexure P/1) wherein the petitioners were declared as proclaimed offenders.

The FIR has been registered on the statement of complainant - Mohammad Sunny alias Sai on the allegations that the accused-petitioners has kidnapped her daughter namely Jainam. Now in 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 trial court/Illaq

Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate First Class at Jagraon, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Reply has also been filed by the respondent-State in this regard.

Learned Asst. 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 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 **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and P.O. Order

dated 04.01.2017 in FIR No. 142 dated 05.07.2015 registered under Sections 363, 366-A, 120-B of Indian Penal Code at Police Station (Annexure P/ 1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

September 28, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No