

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

Crl. Misc. M-18641 of 2018 (O&M)

Date of Decision: 06.07.2018

Yogesh Kumar @ Kala & others

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.K. Choudhary, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 43 dated 09.04.2018 registered under Sections 354, 354-B, 323, 506, 34 of Indian Penal Code at Police Station Division No.2, District Pathankot (Annexure P/1) and all proceedings arising therefrom in view of the compromise dated 18.04.2018 (Annexure P/2).

The FIR has been registered on the statement of complainant on the allegations that the accused-petitioners used to taunt the complainant and on the day of occurrence, outraged the modesty of the complainant by tearing her shirt and also attacked the in-laws of the complainant with weapons. 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 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 Pathankot, 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 Deputy 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 FIR No. 43 dated 09.04.2018 registered under Sections 354, 354-B, 323, 506, 34 of Indian Penal Code at Police Station Division No.2, District Pathankot (Annexure P/1) and all proceedings arising out of the same are quashed.

The petition stands disposed of.

July 06, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No