

In the High Court of Punjab and Haryana at Chandigarh

CRM-M-22224 of 2018

Date of decision: July 27, 2018

Rajat Kumar @ Ghabi @ Gholu and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Dinesh Trehan, Advocate for the petitioners.

Ms. Seena Mand, Deputy Advocate General, Punjab.

Mr. Munish Puri, Advocate 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.50 dated 27.05.2017, registered under Sections 323, 354-B & 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offence Act, 2012, at Police Station Shahpur Kandi, District Pathankot and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

The aforesaid FIR was registered on the statement of respondent No.2/complainant under the said sections. However, now with the intervention of respectable persons, the dispute has been amicably settled between the parties and they have entered into a compromise.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the Chief Judicial Magistrate, Pathankot, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same

appears to be genuine one.

Ms. Seena Mand, Deputy Advocate General, Punjab, on instructions from the Investigating Officer, and learned counsel for respondent No.2 admit to the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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 rival parties and 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 & others Vs. State of Punjab & another, (2014) 6 SCC 466**, this petition is allowed and FIR No.50 dated 27.05.2017, registered under Sections 323, 354-B & 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offence Act, 2012, at Police Station Shahpur Kandi, District Pathankot and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

(JAISHREE THAKUR)
JUDGE

July 27, 2018

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