

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

Crl. Misc. No.44341 of 2018 in/and
Crl. Misc. M-24593 of 2018 (O&M)
Date of Decision: December 17, 2018

Jaswinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Ms. Rajni Gupta, Senior DAG Punjab.

Mr. K.S. Saini, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

CRM-44341-2018

This is an application for preponing the hearing of the main case (CRM-M-24593-2018), which is listed for 13.02.2019.

For the reasons mentioned in the application, the same is allowed and the main case is taken up for hearing today.

Main case

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.25 dated 16.04.2018 registered under Section 354 of Indian Penal Code and Sections 3/4 of POCSO Act at Police Station Bariwala, District Sri Muktsar Sahib (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-Sukhpal Kaur on the allegations that the accused-petitioner caught hold the arm of the victim and started molesting 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 trial court for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Addl. Sessions Judge, Sri Muktsar Sahib , 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 State counsel, 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.25 dated 16.04.2018 registered under Section 354 of Indian Penal Code and Sections 3/4 of POCSO Act at Police Station Bariwala, District Sri Muktsar Sahib and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

December 17, 2018

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No