

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

Crl. Misc. M-27235 of 2018 (O&M)
Date of Decision: September 11, 2018

Balwinder Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naresh Kumar, Advocate
for the petitioners.

Ms. Seena Mand, DAG Punjab.

Ms. Neha Jain, Advocate for
Mr. K.S. Dadwal, 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 cross case registered vide Diary No.29 dated 21.10.2016 under Sections 323, 452, 354, 427, 34 of Indian Penal Code in FIR No.126 dated 20.10.2016 registered under Sections 323, 354, 379, 34 of the Indian Penal Code at Police Station Bhogpur, District Jalandhar Rural (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The said case has been registered on the statement of complainant-Paramjit Kaur on the allegations that the accused-petitioners entered her house and started quarreling with her and also tore her shirt. 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 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 State counsel, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit to 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 cross case registered vide Diary No.29 dated 21.10.2016 under Sections 323, 452, 354, 427, 34 of Indian Penal Code in FIR No.126 dated 20.10.2016 registered under Sections 323, 354, 379, 34 of the Indian Penal Code at Police Station Bhogpur, District Jalandhar Rural and all subsequent proceedings arising out of the same are quashed qua the petitioner(s).

The petition stands disposed of.

September 11, 2018

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(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No