

Crl. Misc. M-33156 of 2018 (O&M)

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

Crl. Misc. M-33156 of 2018 (O&M)

Date of Decision: 27.09.2018

Halim Khan

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Manpreet Ghuman, Advocate
for the petitioner.

Ms. Rajni Gupta, DAG, Punjab.

Mr. Sham Lal Bhalla, Advocate for respondents No.2 and 3.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.160 dated 06.08.2017 (Annexure P/1), registered under Sections 363, 366-A of Indian Penal Code at Police Station Urban Estate, Patiala and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant- Saroj on the allegations that her minor daughter namely Jasmine had been taken away by the petitioner on the allurement of marriage. During the continuation of criminal proceedings, parties arrived at a compromise for the reason that Jasmine and petitioner Halim Khan had performed marriage and were residing happily as husband and wife.

Keeping in view the fact that the parties have entered into a

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compromise, they were directed to appear before the Illaqua Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Additional Chief Judicial Magistrate, Patiala 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 respondents No.2 and 3 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 Versus State of Punjab and another, 2014(6) SCC 466, this petition is allowed and FIR No.160 dated 06.08.2017

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at Police Station Urban Estate, Patiala and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

27.09.2018
sunita

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No