

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

Crl. Misc. M-37121 of 2017 (O&M)
Date of Decision: February 06, 2018

Gurmeet Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.P.S. Bal, Advocate
for the petitioners.

Mr. A.S. Sandhu, Addl. AG Punjab.

Mr. Gurbir Singh, 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.161 dated 23.07.2017 registered under Sections 306, 34 of Indian Penal Code at Police Station Tarn Taran, Tarn Taran (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- Tejpal Singh on the allegations that due to the harassment and humiliation given by the accused-petitioners, his sister Jagjit Kaur committed suicide. 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 Illaqua Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Chief Judicial Magistrate at Tarn Taran, 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, 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.

A perusal of affidavit of complainant-Tejpal Singh and compromise (Annexure P-2) goes on to show that the complainant got the instant FIR registered in anger, on the instigation of people. However, when the complainant thoroughly enquired from his niece (bhanji) Yashpreet Kaur (daughter of the deceased), she told that her mother done this act under depression, in which the accused-petitioners have no fault.

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 **Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543**, this petition is allowed and FIR No.161 dated 23.07.2017 registered under Sections 306, 34 of Indian Penal Code at Police Station Tarn Taran, Tarn Taran and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

February 06, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No