

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

**CRM-M-37419-2017
Date of decision: 21.02.2018**

Jaswinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioners.

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

None for respondent No. 2/complainant.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 44 dated 04.03.2017, registered under Sections 354-A and 506 of the Indian Penal Code at Police Station Sultanwind, Amritsar (Annexure P-1) 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 wherein it was alleged that on 04.03.2017, when his aunt was alone at home as his uncle had gone on duty, the petitioners herein entered into her house with an axe and misbehaved with her. 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 JMIC at Amritsar, 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. It is also reported that no PO proceeding is pending against either of the parties.

Mr. P. P. Chahar, DAG, Haryana, on instructions from the Investigating Officer admits to the factum of compromise and submits 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 respondent-State and gone through the record.

Though the report regarding genuineness of the compromise entered into between the parties has been received from the trial Court, but no one has put in appearance on behalf of the petitioners as well as for respondent No. 2. Even on the last date of hearing, situation was not different. However, since the parties have got recorded their statements before the trial Court wherein the complainant has stated that he would have no objection to the quashing of the FIR, this Court feels it appropriate to quash the instant FIR even if counsel for the parties are not present.

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. 44 dated 04.03.2017, registered under Sections 354-A and 506 of the Indian Penal Code at Police Station Sultanwind, Amritsar (Annexure P-1) petitioners herein.

The petition stands disposed of.

However, in case the complainant still has any grievance, he would be at liberty to revive the instant petition by moving an appropriate application.

21.02.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No