

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

CRM-M-38729-2018
Date of Decision:21.11.2018

BIMAL KUMAR AND ANOTHER

...PETITIONERS

VERSUS

U.T. OF CHANDIGARH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Arav Gupta, Advocate
for the petitioners.

Mr. Gautam Dutt, Addl. P.P. for
U.T. Chandigarh.

Mr. Arun Gupta, 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.109 dated 27.03.2018 registered under Section 354-A of the Indian Penal Code and Section 8 of the Prevention of Children from Sexual Offence Act, 2012 at Police Station South, Sector-34, Chandigarh (Annexure P-6) and all subsequent proceedings arising therefrom in view of the compromise dated 06.06.2017 (Annexure P-2) and compromise dated 24.08.2018 (Annexure P-7).

The FIR has been registered on the statement of complainant- Nidhi Sharma on the allegation of molestation by the petitioners. 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, Chandigarh, 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 Additional Public Prosecutor for U.T, Chandigarh, 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.109 dated 27.03.2018 registered under Section 354-A IPC and Section 8 of the Prevention of Children from Sexual Offences Act, 2012 at Police Station South, Sector-34, Chandigarh and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

21.11.2018
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(JAISHREE THAKUR)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No