

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

Crl. Misc. M-38490 of 2017 (O&M)

Date of Decision: January 22, 2018

Pala Ram and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. I.S. Pabla, Advocate
for the petitioners.

Mr. P.P. Chahar, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of Criminal Complaint No.COM/44711 of 2013, date of institution 02.03.2009/17.11.2009, under Sections 323, 354, 427, 452, 506, 148, 149 of Indian Penal Code, titled as 'Palo Devi vs. Pala Ram and others' and subsequent judgment and order of conviction dated 07.10.2014 (Annexure P-1) passed by Judicial Magistrate Ist Class, Kurukshetra and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The aforesaid complaint was filed by complainant-Palo Devi on the allegations that the accused-petitioners with bad intention forcibly and illegally trespassed in her house and also pressed her neck/throat. It was further alleged that the accused-petitioners gave a slap on her face and also tried to tear her clothes. 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 concerned court for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Addl. Sessions Judge at Kurukshetra, 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 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 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 **Gian Singh Versus State of Punjab and another, 2012**

(4) RCR (Cr.) 543, this petition is allowed and Criminal Complaint No.COM/44711 of 2013, date of institution 02.03.2009/17.11.2009, under Sections 323, 354, 427, 452, 506, 148, 149 of Indian Penal Code, titled as 'Palo Devi vs. Pala Ram and others' and subsequent judgment and order of conviction dated 07.10.2014 passed by Judicial Magistrate Ist Class, Kurukshetra and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

January 22, 2018

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No