

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

CRM-M-39907-2018 (O&M)

Date of Decision: 11.12.2018

Piara Kaur and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM : HON'BLE MS. JUSTICE JAISHREE THAKUR

Present : Mr. Munish Gulati, Advocate
for the petitioners.

Ms. Rajni Gupta, Sr. D.A.G. Punjab.

Mr. Kamal Narula, 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.102 dated 23.09.2016 registered under Sections 363, 366-A, 120-B of Indian Penal Code at Police Station Badhni Kalan, District Moga and all subsequent proceedings arising therefrom in view of the compromise.

The FIR was got registered by the complainant-respondent No.2 on the allegations relating to kidnapping. However, 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/Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the directions, a report has been received from Additional District & Sessions Judge, Moga, 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 on instructions from the Investigating Officer and learned counsel for respondent No.2-complainant admit the factum of compromise. However, learned counsel for the State raises an objection that petitioners stand declared as proclaimed offender and, therefore, the proceedings qua him ought not be quashed.

I have heard learned counsel for the parties and have gone through the record.

Argument of the learned State counsel that petitioners stand declared proclaimed offender and therefore, proceedings qua him ought not be quashed is not sustainable on account of the fact matter has been compromised and pursuant to the order dated 12.09.2018 passed in a connected petition i.e. CRM-M-40064-2018, petitioners put in appearance before the trial Court and have furnished their bails bonds and on the basis of the same, CRM-M-40064-2018 is allowed and orders declaring the petitioners as proclaimed offenders are set aside.

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 v. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.102 dated 23.09.2016 registered under Sections 363, 366-A, 120-B of Indian Penal Code at Police Station Badhni Kalan, District Moga and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

11.12.2018
rajeev

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No