

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

**CRM-M-41853-2017
Date of decision: 05.02.2018**

Sukhwinder Singh

...Petitioner

Versus

Union of India & another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Subhash Ahuja, Advocate
for the petitioner.

Mr. Udit Garg, Standing Counsel for UOI.

Mr. Prateek Pandit, 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. 0174 dated 12.12.2016, registered under Section 354-B of the Indian Penal Code at Police Station GRP Railway Station, Jalandhar City (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 29.09.2017 (Annexure P-2) entered into between the parties.

The aforesaid FIR was registered on the statement of respondent No. 2 Ritu Sharma wherein she alleged that she was doing the job of Cleaner with the Railway Department in Railway Carriage & Wagon Cleaner Wing for the last five years. On 11.12.2016, she was deputed on train No. 54622 and while she was doing the cleaning work in the compartment, Sukhwinder Singh, the petitioner herein, who is also an employee of the same department and was already present in the said

compartment, started misbehaving with her and humiliated her. It is on this background that the instant FIR was registered. 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 Jalandhar, 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. Udit Garg, Standing Counsel for UOI, on instructions from the Investigating Officer, and learned counsel for respondent No. 2 admit to the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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 rival parties and 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 & others vs. State of Punjab & another, (2014) 6 SCC 466*, this petition is allowed and FIR No. 0174 dated 12.12.2016, registered under Section 354-B of the Indian Penal Code at Police Station GRP Railway Station, Jalandhar City (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner herein.

05.02.2018
Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No