

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

**CRM-M-42857-2015
Date of decision: 23.01.2018**

Avtar Singh @ Tari and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.K. Gupta, Advocate
for the petitioners.

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

Ms. M. K. Lohat, 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. 9 dated 07.02.2014, registered under Sections 363, 366-A and 34 of the Indian Penal Code at Police Station Chohla Sahib, District Tarn Taran and all subsequent proceedings arising therefrom in view of the compromise that has been entered into between the parties during the pendency of the instant petition.

The aforesaid FIR was registered on the statement of respondent No. 2/complainant wherein it was stated that her daughter, born on 14.07.1996, was studying in 10+2 Class and she left the house on the intervening night of 01.02.2014 and 02.02.2014 without informing anybody. The complainant and his relatives searched for her and came to know that the daughter of the complainant was taken away by Avtar Singh @ Tari son of Balbir Singh on the pretext of marrying her in connivance

with his brother Satnam Singh @ Sattu and mother Kashmir Kaur and one Kallu son of Pooran Singh. However, now with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties and they have entered into a compromise.

It was contended by the counsel for the petitioners that in fact the parties have performed marriage and approached this Court seeking protection to their lives and liberty by way of filing CRM-M-5945-2014 and now there is a minor child. Counsel for the petitioner further submitted that the parties are residing together happily.

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 the Chief Judicial Magistrate at Tarn Taran, 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.

Mr. A. S. Sandhu, Addl. A.G., Punjab, 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. 9 dated 07.02.2014, registered under Sections 363, 366-A and 34 of the Indian Penal Code at Police Station Chohla Sahib, District Tarn Taran and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

The petition stands disposed of.

23.01.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No