

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

Crl. Misc. M-44551 of 2017 (O&M)

Date of Decision: January 08, 2018

Major Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.B.S. Randhawa, Advocate
for the petitioner.

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

Mr. Amit Kaith, Advocate for
Mr. Gaurav Mannan, 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.38 dated 01.05.2017 registered under Sections 354, 451, 341, 506 of Indian Penal Code (offence under Sections 7, 8 of POCSO Act added later on) at Police Station Sadar Batala, Police District Batala (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant-Komalpreet Kaur on the allegations that the accused-petitioner entered their house from back side window, caught hold of her arm and threw her on the bed. 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 direction, a report has been received from Addl. Sessions Judge at Gurdaspur, 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 respondents No.2 and 3 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 **Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543**, this petition is allowed and FIR No.38 dated 01.05.2017 registered under Sections 354, 451, 341, 506 of Indian Penal Code (offence under Sections 7, 8 of POCSO Act added later on) at Police Station Sadar Batala, Police District Batala and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

January 08, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No