

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

CRM-M No.45863 of 2017 (O&M)
Date of Decision: 16.11.2018

Deepak Dhiman

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ravneet Singh Joshi, Advocate
for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

Mr. D. K. Prajapati, 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.0375 dated 03.11.2017 registered under Section 306 of Indian Penal Code at Police Station Zirakpur, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 10.11.2017 (Annexure P/2).

The FIR has been registered on the statement of respondent No.2-Manmohan Singh Dhillon on the on the basis of misunderstanding and hurry. 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/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the Judicial Magistrate, Ist Class, Dera Bassi, stating that the compromise arrived at between the parties is genuine, voluntarily and out of their own free will.

Learned State counsel, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit to 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.

Learned counsel for the petitioner has relied upon the decisions of Co-ordinate Benches of this Court in ***CRM-M No.15438 of 2013*** titled as ***“Sukhwinder Singh alias Sukhi alias Shonki vs. State of Punjab and another”*** and ***CRM-M No.37746 of 2015*** titled as ***“Ajay Kumar and others vs. State of Punjab and others”***, whereby in similar circumstances, proceedings under Section 306 IPC have also been quashed.

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 **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.0375 dated 03.11.2017 registered under Section 306 of Indian Penal Code at Police Station Zirakpur, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner herein.

The petition stands disposed of.

November 16, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No