

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

**CRM-M-46090-2017 (O&M)
Date of decision: 10.01.2018**

Kamaljit Singh @ Soni

...Petitioner

Versus

Union Territory Chandigarh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Raju Arora, Advocate,
for the petitioner.

Mr. Gautam Dutt, Addl. P.P. for U.T., Chandigarh.

Mr. Rajeev Sharma, 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. 144 dated 31.05.2017, under Section 376 of the IPC, registered at Police Station Sector 36, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

In brief, the facts of the case are that complainant had reported to the police that some altercation had taken place and subsequently she had come to know that FIR under Section 376 IPC has been registered against the petitioner. She has given an affidavit Annexure P-3 to the extent that she never made a statement to the police qua Section 376 IPC.

Keeping in view the fact that the parties have compromised the matter, they were directed to appear before the trial Court for getting their

statements recorded in support of the compromise. In pursuance of the direction, a report in has been received from the the Judicial Magistrate Ist Class, Chandigarh 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. Gautam Dutt, learned Addl. P.P. for U.T., Chandigarh on instructions from the Investigating Officer and learned counsel for the respondent No. 2 admit 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 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. 144 dated 31.05.2017, under Section 376 of the IPC, registered at Police Station

Sector 36, Chandigarh (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

10.01.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

No.
No.