

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

**CRM-M-47379-2017
Date of decision: 26.02.2018**

Jatin and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Bhavna Grewal, Advocate for
Mr. S. K. Yadav, Advocate
for the petitioners.

Mr. P.P. Chahar, learned DAG, Haryana.

Mr. Ajit Kumar 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. 124 dated 21.05.2016, registered under Sections 366-A, 342, 323, 506 and 34 of the IPC and Section 8 of the POCSO Act (Section 8 of the POCSO Act deleted and Section 10 of the POCSO Act and Sections 363, 354 of the IPC were added during investigation) at Police Station Farrukhnagar, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2) entered into between the parties.

The aforesaid FIR was registered on the statement of respondent No. 2/complainant Kajal Kumari under the aforesaid sections. 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 the Additional Sessions Judge at Gurugram, 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. P.P. Chahar, learned DAG, Haryana, 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. 124 dated 21.05.2016,

registered under Sections 366-A, 342, 323, 506 and 34 of the IPC and Section 8 of the POCSO Act (Section 8 of the POCSO Act deleted and Section 10 of the POCSO Act and Sections 363, 354 of the IPC were added during investigation) at Police Station Farrukhnagar, District Gurugram (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

The petition stands disposed of.

26.02.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No