

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

Crl. Misc. M- 48135-2017 (O&M)

Date of Decision: 07-09-2018

Harjit Singh and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bhupinder Ghai, Advocate
for the petitioner(s).

Ms. Rajni Gupta, Sr.DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 29 dated 13.04.2015 registered under Sections 363, 366, 380, 148, 149 of Indian Penal Code read with Section 25 of the Arms Act at Police Station Verowal, District Tarn Taran and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/ 3).

The FIR has been registered on the statement of complainant-Harbans Kaur on the allegations that the accused-petitioners forcibly entered her house with other armed men, shot gun fires in the air and kidnapped her grand-daughter Harpreet Kaur and took away jewellery and cash from her house while. Thereafter petitioner no. 1 solemnised marriage with Harpeet Kaur. 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 Addl. District & Sessions Judge, Tarn Taran, 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 Sr. Deputy Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 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. She further submitted that petitioner No.1-Harjit Singh, expired on 28.08.2018.

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. 29 dated 13.04.2015 registered under Sections 363, 366, 380, 148, 149 of Indian Penal Code read with Section 25 of the Arms Act at Police Station Verowal, District Tarn Taran and all subsequent proceedings arising out of the same are quashed qua rest of the petitioners i.e. petitioners No.2 to 4, in view of the fact that petitioner No.1 does not survive as expired on 28.08.2018.

The petition stands disposed of.

September 07, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No