

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(249)

CRM M-48207-2017

Decided on: March 09, 2018.

SUNNY @ SUNIL KUMAR & OTHERS

.... Petitioners

Versus

STATE OF PUNJAB & OTHERS

..... Respondents

CORAM:- HON'BLE MS. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioners.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab

RAJBIR SEHRAWAT, J. (Oral)

In this petition, the petitioners who are accused in F.I.R. No. 164, dated 19.11.2016, under Sections 452, 323, 324, 427 and 34 of the Indian Penal Code, registered at Police Station City Malout, District Sri Muktsar Sahib, (Annexure P-1) have prayed for quashing of F.I.R. with all subsequent proceedings on the basis of compromise.

The aforesaid FIR was registered on the statement of respondent No.2/complainant-Soma Rani under the above said Sections.

The marriage of son of respondent No. 2 was solemnized with sister of petitioner No. 1. However, due to temperamental differences between the parties dispute arose and the aforesaid FIR has been registered on the statement of complainant/respondent No.2-Soma Rani . 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 SDJM, Malout, vide report dated 30.01.2018 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.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer, 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 F.I.R. No. 164, dated 19.11.2016, under Sections 452, 323, 324, 427 and 34 of the Indian Penal Code,

registered at Police Station City Malout, District Sri Muktsar Sahib, (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

March 09,2018
tarun sahani

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No