

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

Crl. Misc. M- 21876-2018 (O&M)

Date of Decision: January 10, 2020

Toofan Singh

... Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.S. Hooda, Advocate
for the petitioner.

Ms. Mahima Yashpal, Asstt. A.G., Punjab

Mr. Munish Kumar Garg, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 293 dated 14.08.2017 (Annexure P/1) under Sections 363, 366-A, 120-B, 126 of Indian Penal Code at Police Station Murthal, District Sonapat and all subsequent proceedings arising therefrom in view of the compromise dated 28.11.2017 between the petitioner and respondent No.2.

2. The FIR has been registered on the statement of complainant-respondent No.2 on the allegations that her daughter Kajal who was a minor was allured by the petitioner and taken away for the purpose of solemnizing a marriage. The matter was sent to the Mediation and Conciliation Centre of this Court and parties have settled their dispute by a settlement agreement

dated 28.11.2017. The daughter of the complainant had solemnized her marriage with the petitioner Toofan Singh and was happily residing with him and his family members. In the said agreement, the complainant was agreeable that the proceedings in the said FIR under Sections 363,366-A, 120-B, 126 IPC registered at Police Station Murthal, District Sonapat would not be pursued and therefore, in view of this settlement, the arrest of the petitioner was stayed.

3. Pursuant to the said settlement, the parties are living together as husband and wife after solemnizing marriage and out of the said wedlock a minor child also born. Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of settlement 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.

4. I have heard learned counsel for the parties and have gone through the record.

5. 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.

6. Consequently, keeping in view the fact that the dispute has

been amicably settled and the petitioner and the prosecutrix are living together as husband and wife and are having one minor child out of their wedlock 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. 293 dated 14.08.2017 (Annexure P/1) under Sections 363, 366-A, 120-B, 126 of Indian Penal Code at Police Station Murthal, District Sonipat and all subsequent proceedings arising out of the same are quashed qua the petitioner.

January 10, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No