

CRM-M-25558 of 2017

.... Petitioner

Versus

... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, Asst. A.G.Punjab.

Mr. Dinesh Trehan, 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 Criminal Complaint No. 142/2013 dated 05.01.2013 registered under Sections 376, 420, 406, 506, 509, 120-B of IPC in the Court of Judicial Magistrate 1st Class, Amritsar (Annexure P-8) and all subsequent proceedings arising therefrom on the basis of the compromise dated 12.03.2018.

The criminal complaint has been registered on the statement of complainant on the allegations that the accused-petitioner raped her, made physical relations with her without her will and consent and also gave false promises to marry her in spite of already being married. 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 Chief Judicial Magistrate, Amritsar 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 Assistant Advocate General, Punjab on instructions from the Investigating Officer admits the factum of compromise and submits that in case, the parties have indeed settled their dispute, the State would have no objection to the quashing of the criminal complaint, in view of the law laid down by the Hon'ble Supreme Court.

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 Criminal Complaint

No. 142/2013 dated 05.01.2013 registered under Sections 376, 420, 406, 506, 509, 120-B of IPC in the Court of Judicial Magistrate 1st Class, Amritsar and all subsequent proceedings arising out of the same are quashed qua the petitioner-Milan Kapoor.

(JAISHREE THAKUR)
JUDGE

03.03.2020
Maninder

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No