

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

CRM-M-34880 of 2018 (O&M)

Date of Decision: February 12, 2020

Swaran Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jitender S. Dadwal, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

Mr. Sanjeev Kumar, Advocate
for respondents No.2 to 4.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.98 dated 13.08.2015 registered under Sections 323, 324, 341, 354, 354-C, 326, 506, 120-B, 34 of Indian Penal Code and Section 8 of POCSO Act at Police Station Bullowal, District Hoshiarpur (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/).

The FIR has been registered on the statement of complainant-Sukhwinder Kaur on the allegations that the accused-petitioner was harassing her minor daughter. 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 the Addl. District & Sessions Judge at Hoshiarpur, stating that the compromise arrived at between the parties is without any pressure or coercion from anyone and the same is genuine one. It is also stated that one of the accused namely Sandeep Singh has been declared as proclaimed offender in this case by an order dated 15.02.2018.

Learned State, on instructions from the Investigating Officer and learned counsel for respondents No.2 to 4 admit to 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.

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.98 dated dated 13.08.2015 registered under Sections 323, 324, 341, 354, 354-C, 326, 506, 120-B, 34 of Indian Penal Code and Section 8 of POCSO Act at Police Station Bullowal, District Hoshiarpur and all subsequent proceedings arising out of the same are quashed only qua the petitioner herein.

February 12, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No