

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

Crl. Misc. M- 32608 of 2019 (O&M)

Date of Decision: January 30, 2020

Harpal Singh and another

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bikramjit Aroura, Advocate
for the petitioner(s).

Mr. Davinder Bir Singh, DAG, Punjab,

Mr. Vikas Bali, Advocate
for respondents No.2 & 3.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.114 dated 30.05.2017 registered under Sections 65, 67 of Information Technology (Amendment) Act, 2008 and Sections 294, 506, 509, 34 of the Indian Penal Code at Police Station Cantonment, District Police Commissionerate, Amritsar (Annexure P/1) and all subsequent proceedings arising therefrom in view of the agreement of compromise dated 27.03.2019 (Annexure P/2).

The FIR has been registered on the statement of complainant on the allegations that the accused-petitioners have harassed respondent No.3 daughter-in-law of respondent No.2 by making phone calls in her in-laws house and stating that she is characterless and having relations with so

many persons. Being perturbed with the phone calls she also tried to strangulate herself by ceiling fan in her office. 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 Judicial Magistrate First Class at 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 so far as the parties appeared to record their statements. However, it is also reported that petitioner No.2-Jorawar Singh did not appear to record his statement and therefore, the JMFC, Amritsar has conveyed that due to non-appearance of accused-petitioner Jorawar Singh genuineness of compromise cannot be assessed.

Learned Deputy 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 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 the complainant has specifically stated that she would have no objection in case the FIR is quashed, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. In the opinion of the Court, even if said Jorawar Singh did not appear, but since the complainant herself has stated that she has no objection if the FIR is quashed against both the accused, his non-appearance would be of no consequence.

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.114 dated 30.05.2017 registered under Sections 65, 67 of Information Technology (Amendment) Act, 2008 and Sections 294, 506, 509, 34 of the Indian Penal Code at Police Station Cantonment, District Police Commissionerate, Amritsar and all subsequent proceedings arising out of the same are quashed qua both the petitioners.

January 30, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No