

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

Crl. Misc. M- 38021-2019 (O&M)

Date of Decision: January 21, 2020

Rajwant Kaur @ Sukhpreet Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Akbarjit Singh, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Anish Verma, 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 FIR No. 136 dated 28.08.2016 registered under Sections 294, 354-C, 380, 420, 120-B, 384, 506, 465, 468, 471 of Indian Penal Code along with Section 66 of the Information Technology Act, 2000 at Police Station Goraya (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise deed dated 29.07.2019 qua the petitioner only (Annexure P/2).

The FIR has been registered on the statement of complainant-respondent No.2 on the allegations that some unknown person uploaded the vulgar and obscene pictures of the complainant's daughter on the Facebook

by creating a fake ID of the complainant's daughter on facebook and after investigation by the Police, the challan was prepared against the present petitioner and other co-accused. 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 Ist Class at Phillaur, 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 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, they would have no objection to the quashing of the FIR qua the petitioner only, 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. 136 dated 28.08.2016 registered under Sections 294, 354-C, 380, 420, 120-B, 384, 506, 465, 468, 471 of Indian Penal Code along with Section 66 of the Information Technology Act, 2000 at Police Station Goraya and all subsequent proceedings arising out of the same are quashed qua the petitioner herein.

January 21, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No