

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

Crl. Misc. M- 35841-2019 (O&M)

Date of Decision: January 29, 2020

Sanjeev Kumar and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajinder Singh Bhatta, Advocate
for the petitioners.

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

Mr. Davinder Singh Khurana, Advocate
for respondent Nos.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. 0220 dated 06.12.2017 registered under Sections 11(1), (4) and 12 of POCSO Act, 2012 at Police Station Sadar Jalalabad, District Fazilka (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise dated 06.06.2019 (Annexure P/2).

The FIR has been registered on the statement of complainant-respondent No.2 on the allegations that the accused-petitioners obstructed the way of her daughter/respondent No.3 (minor at that time), teased her and also attempted on her. 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 Jalalabad, 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 and the learned counsel for the respondent No.2 & 3 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 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. 0220 dated 06.12.2017 registered under Sections 11(1), (4) and 12 of POCSO Act, 2012 at Police Station Sadar Jalalabad, District Fazilka and all subsequent proceedings arising out of the same are quashed.

January 29, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No