

CRM-M-44253 of 2019
Date of Decision: 02.03.2020

Gurwinder Singh @ Ditti Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Naresh Kumar Manchanda, Advocate
for the petitioner.

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

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 122 dated 04.11.2018 registered under Sections 363, 366-A, 120-B IPC at Police Station City-2, Abohar, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom in view of the settlement arrived at between the parties as reflected in affidavit dated 10.01.2019.

Learned counsel for the petitioner would contend that a compromise has been effected between the brother of the prosecutrix and persons named in the FIR. It is argued that his name came to be recorded subsequently only on 06.01.2019. However, on the intervention of all the respectables, the matter has been compromised between the parties and the complainant has even recorded his statement before the Judicial Magistrate 1st Class, Abohar on 29.11.2019 stating that he would have no objection in case the proceedings qua the petitioner are quashed. It is further argued that in fact, the sister of the complainant and one Sh. Rinku, who were initially named in the FIR, have solemnized the marriage.

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 1st Class, Abohar, 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 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. 122

dated 04.11.2018 registered under Sections 363, 366-A, 120-B IPC at Police Station City-2, Abohar, District Fazilka and all subsequent proceedings arising out of the same are quashed qua the petitioner-Gurwinder Singh @ Ditti.

(JAISHREE THAKUR)
JUDGE

02.03.2020
Maninder

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