

**274 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-47907 of 2019
Date of Decision: 04.03.2020**

Gurpinder Singh @ Pinda

.... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vivek Gupta, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Ms. Pooja, Advocate for
Mr. Vivek Singla, Advocate
for respondents No. 2 and 3.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 138 dated 29.06.2017 registered under Sections 452, 376, 511, 506 of IPC (Sections 376 and 511 IPC were deleted and Section 354 IPC was added later on) at Police Station City, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 30.10.2019.

The FIR has been registered on the statement of respondent No. 2 on the allegations that the accused-petitioner tried to commit rape on her and also threatened to kill her and her father. 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 Chief Judicial Magistrate, Tarn Taran 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, the State would have no objection to the quashing of the criminal complaint, 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. 138 dated 29.06.2017 registered under Sections 452, 376, 511, 506 of IPC (Sections 376 and 511 IPC were deleted and Section 354 IPC was added later on) at Police Station City, District Tarn Taran and all subsequent proceedings arising out of the same are quashed qua the petitioner.

(JAISHREE THAKUR)
JUDGE

04.03.2020
Maninder

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