

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

CRM-M-53390 of 2019 (O&M)
Date of Decision: March 17, 2020

Chand Kumar

...Petitioner

Versus

State of Union Territory, Chandigarh and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Atinder Pal Singh, Advocate for
Ms. Anjali Bansal, Advocate
for the petitioner.

Mr. Rajiv Sharma, Addl. P.P. U.T., Chandigarh.

Mr. Mavpreet Singh, 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.278 dated 17.11.2019 registered under Sections 8 and 10 of POCSO Act and Sections 354, 354-A of Indian Penal Code at Police Station Sector 31, Chandigarh (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise.

The FIR has been registered on the statement of complainant-Shalu alias Shabnam on the allegations that the accused-petitioner with a bad intention touched her private parts. 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 Chandigarh, stating that the compromise arrived at between the parties is without any pressure or coercion from anyone and the same is genuine one.

Learned State counsel, on instructions from the Investigating Officer and learned counsel for respondents No.2 and 3 admit to the factum of compromise and submit 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.278 dated 17.11.2019 registered under Sections 8 and 10 of POCSO Act and Sections 354, 354-A of Indian Penal Code at Police Station Sector 31, Chandigarh and all subsequent proceedings arising out of the same are quashed qua the petitioner.

March 17, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No