

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

(Heard through VC)

CRM No.189 of 2021 in/and
CRM-M-1304 of 2020 (O&M)
Date of Decision: January 14, 2021

Charan Kamaljit Singh Parmar @ Raju

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Ms. Rashmi Attri, AAG Punjab.

Mr. Bhrigu Mahajan, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

CRM-189-2021

This is an application that has been filed for preponing the hearing in the main case, which is now listed for 08.04.2021.

For the reasons mentioned in the application, the same is allowed. Hearing in the main case is preponed and the same is taken up today.

Main case

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of Compliant i.e. CS No.5 dated

25.04.1995/10.03.1999 decided on 23.10.2000, filed by respondent No.2 under Sections 354, 323, 447, 504, 506 of Indian Penal Code and Section 7 C.D. of the Protection of Civil Rights Act, 1955 (Annexure P/1) and all subsequent proceedings arising therefrom including the order dated 23.10.1997 (Annexure P/2) whereby, the petitioner has been declared as proclaimed offender, in view of the compromise (Annexure P/3).

The complaint has been filed by complainant-respondent No.2 namely Vidya. 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 Hoshiarpur, 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 admits to 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 Compliant i.e. CS No.5 dated 25.04.1995/10.03.1999 decided on 23.10.2000, filed by respondent No.2 under Sections 354, 323, 447, 504, 506 of Indian Penal Code and Section 7 C.D. of the Protection of Civil Rights Act, 1955 (Annexure P/1) and all subsequent proceedings arising therefrom including the order dated 23.10.1997 (Annexure P/2) whereby, the petitioner has been declared as proclaimed offender are quashed qua the petitioner herein.

January 14, 2021

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No