

119.

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-26668-2021 IN/AND
CRM-M-3411-2021**

Date of Decision: 01.09.2021

(Heard through VC)

ANSHUMAN MAKHIJA ALIAS ANSHUMAN Petitioner

Versus

STATE OF PUNJAB AND ANR Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J.K. Khetarpal, Advocate,
for the petitioner.

Mr. A.S. Gill, Senior DAG, Punjab,
for respondent No.1.

Mr. Vipul Babuta, Advocate,
for respondent No.2.

JAISHREE THAKUR.J (Oral)

CRM-26668-2021

Prayer in this application filed under Section 482 Cr.P.C. is for preponement of date of hearing of the main case, which is otherwise now fixed for hearing on 12.10.2021.

For the reasons stated in the application, same is allowed and with the consent of counsel for the parties, the hearing of the main case is preponed and taken on board today itself.

CRM-M-3411-2021

This petition has been filed under Section 482 of the Code of

Criminal Procedure seeking quashing of FIR No.0178 dated 17.11.2018

registered under Sections 406/498-A of IPC at Police Station City Hoshiarpur, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise/affidavit dated 31.12.2020 (Annexures P-2 & P-3).

The aforesaid FIR has been registered on the statement of complainant/respondent No.2-Shradha Makhija @ Shradha Arora. 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/Illaqa Magistrate for getting their statements recorded in support of the compromise.

In pursuance of the direction, a report has been received from the learned Judicial Magistrate Ist Class, Hoshiarpur stating that the compromise has been effected between the parties voluntarily, without any coercion or undue influence.

Learned State counsel on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit 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.0178 dated 17.11.2018 registered under Sections 406/498-A of IPC at Police Station City Hoshiarpur, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioner.

(JAISHREE THAKUR)
JUDGE

01.09.2021

sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No