

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

CRM-M-29804-2019

Date of Decision: 11.05.2022

GORA @ DHONI AND OTHERS

...Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN.

Present: Mr. Vikas Gupta, Advocate, for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Vivek Singla, Advocate for

Mr. Vivek Salathia, Advocate

for respondent No.2.

PANKAJ JAIN, J. (Oral)

The petitioners have approached this Court seeking quashing of FIR No.95 dated 09.05.2018 under Sections 363/366-A/120-B of IPC registered at Police Station City Patti, District Tarn Taran (Annexure P-3) on the basis of compromise dated 17.07.2018 (Annexure P-4).

On 16.07.2019, the following order was passed:-

“Mr. Ankit Kharbanda, Advocate has put in appearance and filed his power of attorney on behalf of respondent No.2. Same is taken on record.

Adjourned to 25.09.2019.

In the meantime, parties are directed to appear before the learned trial Court/Illaq Magistrate on 08.08.2019 or any other convenient date to the Court to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise on or before the date fixed in the instant petition.

A copy of this order be sent to learned trial Court/Illaq Magistrate, through fax, for compliance.

In pursuant to the aforesaid order, report has been received from Sub Divisional Judicial Magistrate, Patti, wherein it has been stated that:

“I am satisfied that the compromise arrived between the parties who appeared before the undersigned for recording their statements, is genuine and valid one. It is apposite to mention that accused/petitioner No.6 Sonu Singh son of Bakshish Singh has not turned up on 08.08.2019 or thereafter for recording his statement regarding compromise. The report is submitted accordingly along with original statements.

Learned Counsel for the State submits that since this is an FIR for offences punishable under Sections 363/366-A/120-B IPC which are non compoundable, thus, the present petition is not maintainable.

Faced with the situation, counsel for the petitioner has relied upon the judgment passed by this Court in CRM-M-18649-2018 (O&M), Ankush Sood and another Vs. State of Punjab and others wherein it has been held that:

“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.66 dated 30.03.2018 registered under Sections 363, 366-A, 120-B of Indian Penal Code at Police Station Sadar Tarn Taran, District Tarn Taran and all subsequent proceedings arising out of the same are quashed qua the petitioner(s) herein.”

Keeping in view the fact that parties have amicably settled the matter and no purpose will be served by continuing the prosecution. The present petition is allowed. FIR No.95 dated 09.05.2018 under Sections 363/366-A/120-B of IPC registered at Police Station City Patti, District Tarn Taran (Annexure P-3) and all proceedings subsequent thereto are hereby quashed.

11.05.2022

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(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*