

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-13626 of 2015

.....

Date of decision:20.8.2015

Shesh Kumar and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Lajpat Sharma, Advocate for Mr. Amandeep Chhabra,
Advocate for the petitioners.

Mr. B.S. Bhullar, Assistant Advocate General, Punjab
for the respondent-State.

None for the complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.37 dated 9.3.2015 (Annexure-P.1) registered for the offences under Sections 420, 467, 471 and 120-B IPC at Police Station City Samana, District Patiala and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Brij Lal on the allegations that the accused No.1-petitioner by preparing false Will dated 20.3.2007 of complainant's mother in connivance with other accused is trying to grab his share of land, whereas his mother died on

27.6.1986. Now with intervention of respectable persons and relatives, the matter has been amicably settled and compromise has been entered into between the parties, therefore, they were directed to appear before learned Illaqa Magistrate for getting their statements recorded in support of the compromise. After doing the needful, learned Sub Divisional Judicial Magistrate, Samana has sent his report dated 8.5.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant 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 FIR in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, 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.

Therefore, keeping in view the fact that the matter has been

amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.37 dated 9.3.2015 (Annexure-P.1) registered for the offences under Sections 420, 467, 471 and 120-B IPC at Police Station City Samana, District Patiala and all subsequent proceedings arising out of the same are hereby quashed.

August 20, 2015.

(Inderjit Singh)
Judge

hsp