

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-1443 of 2015

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Date of decision:14.12.2015

Balwinder Kaur

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Chanchal K. Singla, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the respondent-State.

None for complainant-respondent No.2 and respondents No. 3 and 4.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.227 dated 26.10.2014 (Annexure-P.1) registered for the offences under Sections 420 and 120-B IPC at Police Station Rajpura City, 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-Sarabjeet Kaur on the allegations that the accused-petitioner along with respondent Nos.3 and 4 by hatching conspiracy have cheated her. Now with intervention of respectable persons, the matter has been amicably settled

and compromise has been entered into between the parties, therefore, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Sub Divisional Judicial Magistrate, Rajpura has sent his report dated 30.1.2015, vide which the statement of the complainant-Sarabjeet Kaur was recorded, wherein she has stated that she has compromised the matter, which is without any pressure, coercion or inducement from anybody. However, the petitioner and respondents No.3 and 4 were not turned up for getting their statements recorded. They were further called upon to get their statements recorded. The petitioner got recorded her statement on 20.10.2015, however, vide report dated 26.10.2015, the learned Sub Divisional Judicial Magistrate, Rajpura submitted that the petitioner did not know the whereabouts of respondents No.3 and 4 Seema Rani and Sareef Hasan. They were again directed to appear before the trial Court on 30.11.2015 to get their statements recorded, however, they have not turned up before the trial Court, hence they are given up. In the reports submitted by the learned Sub Divisional Judicial Magistrate submitted 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.

[3]

I have heard learned counsel for the petitioner 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.765 dated 23.9.2013 (Annexure-P.1) registered for the offences under Sections 406, 420 and 120-B IPC and Section 10 of Emigration Act, 1983 at Police Station Civil Lines Karnal, District Karnal and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner only.

November 14, 2015.

(Inderjit Singh)
Judge

hsp