

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-16079 of 2015

.....

Date of decision:28.11.2015

Kiranjeet Kaur and another

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Present: Mr. P.S. Dhaliwal, Advocate for the petitioners.

Ms. Deepa Singh, Additional Advocate General, Punjab
for the respondent-State.

Mr. Lakhwinder Singh, Advocate for complainant-respondents
No.2 and 3.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.32 dated 24.11.2011 (Annexure-P.1) registered for the offences under Sections 457 and 380 IPC at Police Station Thuliwal, District Barnala and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2) qua the petitioners only, as there are four accused arrayed in the present FIR. Accused Amarjit Singh and Jaspal Singh are proclaimed offenders.

The FIR has been registered on the statement of complainant-Jasmail Kaur on the allegations that unidentified person stolen gold ornaments, rifle 12 bore along with cartridge and ₹1.50 Lacs cash and one Mobile Nokia and accused Amarjit Singh, Gurmit Singh, Jaspal Singh and Kiranjeet Kaur were nominated in the FIR. Now with intervention of

respectable persons, the matter has been amicably compromised between the petitioners No.1 and 2 and respondents No.2 and 3 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 learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Barnala has sent his report dated 29.10.2015 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 Additional Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondents No.2 and 3 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 petitioners as well as learned Additional Advocate General, Punjab and learned counsel for complainant-respondents No.2 and 3 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

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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.32 dated 24.11.2011 (Annexure-P.1) registered for the offences under Sections 457 and 380 IPC at Police Station Thuliwal, District Barnala and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners only.

November 28, 2015.

(Inderjit Singh)
Judge

hsp