

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-16956 of 2014

.....

Date of decision:15.1.2015

Ashwani Kumar Kohli

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. O.P. Kamboj, Advocate for the petitioner.

Mr. A.S. Klar, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Krishan Kumar, Advocate for complainant-respondent
No.4.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.21 dated 15.1.2014 (Annexure-P.1) registered for the offences under Sections 419, 420, 467, 468, 471 and 120-B IPC at Police Station Sadar Ferozepur, District Ferozepur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Simrat Saini against the accused-petitioner for the above mentioned offences. Now with intervention of respectable persons, the matter has

been amicably compromised between the parties and they have resolved their dispute.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned Chief Judicial Magistrate, Ferozepur for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate has sent her report dated 17.12.2014 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant Simrat Saini has stated that compromise has been effected with her free will and without any pressure or coercion and she has no objection if the FIR is quashed.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for respondent No.4 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 petitioner as well as learned Assistant Advocate General, Punjab and learned counsel for respondent No.4 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

[3]

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.

The Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, has held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable. Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), this petition is allowed and FIR No.21 dated 15.1.2014 (Annexure-P.1) registered for the offences under Sections 419, 420, 467, 468, 471 and 120-B IPC at Police Station Sadar Ferozepur, District Ferozepur and all subsequent proceedings arising out of the same are hereby quashed.

January 15, 2015.

(Inderjit Singh)
Judge

hsp