

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-20938 of 2015

.....

Date of decision:9.10.2015

Kulwinder Singh and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Gopal Singh Nahel, Advocate for the petitioners.

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

Mr. Munish Raj Chaudhary, Advocate for 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.38 dated 12.4.2014 (Annexure-P.1) registered for the offences under Sections 406 and 420 IPC at Police Station Amloh, District Fatehgarh Sahib and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Nirmal Singh on the allegations that the accused-petitioners by hatching conspiracy have cheated him. 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

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trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Amloh has sent his report dated 25.8.2015 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 and learned counsel for complainant-respondent No.2 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 Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 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

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petition is allowed and FIR No.38 dated 12.4.2014 (Annexure-P.1) registered for the offences under Sections 406 and 420 IPC at Police Station Amloh, District Fatehgarh Sahib and all subsequent proceedings arising out of the same are hereby quashed.

October 9, 2015.

(Inderjit Singh)
Judge

hsp