

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-212 of 2015

.....

Date of decision:11.2.2015

Harjinder Singh alias Raja

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

None for 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.171 dated 2.9.2011 (Annexure-P.1) registered for the offences under Sections 381 and 406 IPC at Police Station Moga City, District Moga and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Navdeep Kumar on the allegation that the accused-petitioner, who was working with the complainant as Driver in his factory, had sold 8 quintals of MS Bar, which were being taken by him in the truck and misappropriated the money. On inquiry, he exchanged heated words with the complainant and ran away after parking the truck inside the factory.

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Now with intervention of respectable persons, elders and relatives, the matter has been amicably compromised between the parties 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 Chief Judicial Magistrate, Moga has sent her report dated 22.1.2015 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 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

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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.171 dated 2.9.2011 (Annexure-P.1) registered for the offences under Sections 381 and 406 IPC at Police Station Moga City, District Moga and all subsequent proceedings arising out of the same are hereby quashed.

February 11, 2015.

(Inderjit Singh)
Judge

hsp