

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Crl. Misc. No. M- 24269 of 2013(O&M)

Date of Decision: February 18, 2015.

Surinder Singh @ Surinder Kumar PETITIONER(s)

Versus

U.T. Chandigarh and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Ms. Ashima Mor, APP, U.T. Chandigarh.

Mr. V.K.Kaushal, Advocate
for respondent No.2-complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

1. Prayer in this petition is for quashing of FIR No.48 dated 13.04.2006, under Sections 420/467/468/471/474/120B IPC, registered at police station Sector 3, Chandigarh and all other consequential proceedings arising therefrom on the basis of a settlement noted on 14.09.2006, Annexure P2.

2. Aforesaid FIR has been registered on the basis of a written complaint submitted by respondent No.2 through its authorized signatory alleging the commission of offences punishable under Sections 420/467/468/471/

474/120B IPC by the petitioner.

3. This Court on 09.05.2014 had directed the affected parties to appear before the learned trial court on 19.05.2014 for getting their respective statements recorded in respect to the abovementioned compromise. Learned trial court was directed to submit a detailed report with regard to the genuineness of the compromise alongwith statements of the parties.

4. Pursuant thereto, report dated 19.05.2014 has been received from the learned Judicial Magistrate First Class, Chandigarh wherein it is stated that settlement between complainant – Rajeev Sharma and Mandeep Singh, proprietor of ION Softnet Solutions Private Limited has been arrived at voluntarily without any coercion or pressure. The same has been found to be genuine. Statements of the parties have been appended alongwith this report.

5. Mr. V.K.Kaushal, Advocate, learned counsel for respondent No.2 affirms the factum of settlement between the parties and submits that respondent No.2 has no objection to the quashing of the aforementioned FIR against the petitioner.

6. Affidavit dated 11.02.2015 of Rajeev Sharma, complainant has also been filed stating that he has no objection to the quashing of the abovesaid FIR keeping in view the fact that Ram Sharma has passed away and the company in question ION Softnet Solutions Private Limited has already recovered the amount. A letter had been submitted by him to the SHO, Police Station Sector 3, Chandigarh stating that he has no objection to the quashing of this FIR.

7. Learned counsel for U.T. Chandigarh had sought time on 12.02.2015 to verify the said fact. Today, affidavit dated 18.02.2015 of Inspector Malkit

Singh, SHO, Police Station Sector 3, Chandigarh has been filed in Court which is taken on record subject to just exceptions. It is confirmed that a letter dated 17.09.2006 had been received wherein respondent No.2 has affirmed that the whole amount has been recovered. The said letter was also signed by the authorized signatory of ION Softnet Solutions Private Limited.

8. In **Kulwinder Singh and others versus State of Punjab and another** 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

9. In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility as the chances of conviction of the petitioner are absolutely bleak.

10. This petition is, thus, allowed and FIR No.48 dated 13.04.2006, under Sections 420/467/468/471/474/120B IPC, registered at police station Sector 3, Chandigarh alongwith all consequential proceedings is, hereby, quashed.

(**LISA GILL**)
JUDGE

February 18, 2015.
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