

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-26839 of 2014

.....

Date of decision:29.1.2015

Gobind Kumar alias Gobind

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. F.S. Virk, Advocate for the petitioner.

Mr. Amarinder Singh Klar, 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.41 dated 10.2.2014 (Annexure-P.1) registered for the offences under Sections 407, 420, 379 and 120-B IPC at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all subsequent proceedings arising therefrom in view of the compromise dated 7.6.2014 (Annexure-P.2) qua the petitioner.

The FIR has been registered on the statement of complainant-Ajay Kumar Gupta against the petitioner and Balvir Singh, Rajesh Kumar and Satish Kumar on the allegations that the petitioner was working in his

Mill for about one year. He along with his above companions had stolen 35 tons iron from his Mill in his absence after loading the same in trucks, thereby he betrayed him and committed fraud with him. Now with intervention of respectable persons, the matter has been amicably compromised between the petitioner and respondent No.2 and they have resolved their disputes.

Therefore, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Sub Divisional Judicial Magistrate, Amloh has sent his report dated 17.9.2014 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-respondent No.2-Ajay Kumar Gupta has stated that he has entered into compromise with accused Gobind Kumar alias Gobind, which is without any coercion or pressure and he has no objection if the aforesaid FIR is quashed qua the petitioner.

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 ultimate conviction are bleak.

Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, wherein it has been 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, this petition is allowed and FIR No.41 dated 10.2.2014 (Annexure-P.1) registered for the offences under Sections 407, 420, 379 and 120-B IPC at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all subsequent proceedings arising out of the same are hereby quashed qua petitioner Gobind Kumar alias Gobind.

January 29, 2015.

(Inderjit Singh)
Judge

hsp