

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-27031 of 2014

.....

Date of decision:28.1.2015

Manju and another

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Anupam Bhardwaj, Advocate for the petitioners.

Mr. Deepak Grewal, Deputy Advocate General, Haryana
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.173 dated 14.4.2014 (Annexure-P.1) registered for the offences under Sections 406, 420, 467, 468, 120-B and 506 IPC at Police Station Sector 5, Panchkula and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Ajay Kumar on the allegations that the accused-petitioners entered into an agreement to sell with him, but they did not fulfill the terms and conditions of the agreement and in this manner had cheated him. Now

with intervention of respectable persons and friends, the matter has been amicably compromised between the parties and they have resolved their dispute, therefore, they were directed to appear before learned Illaqa Magistrate for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate, Panchkula sent his report dated 2.1.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant-respondent No.2-Ajay Kumar has stated that he has effected a compromise with the accused persons, which is with his own free will, consent and without any pressure. He does not want to proceed with the present case and has no objection if the aforesaid FIR is quashed.

Learned Deputy Advocate General, Haryana, 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 petitioners as well as learned Deputy Advocate General, Haryana 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

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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.173 dated 14.4.2014 (Annexure-P.1) registered for the offences under Sections 406, 420, 467, 468, 120-B and 506 IPC at Police Station Sector 5, Panchkula and all subsequent proceedings arising out of the same are hereby quashed.

January 28, 2015.

(Inderjit Singh)
Judge

hsp