

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-29091 of 2014

Date of decision: May 27, 2015

Yashpal Gera and others

.. Petitioners

Vs.

State of Haryana and another

.. Respondents

Coram: Hon'ble Mr. Justice Surinder Gupta

Present: Mr. Rajesh Lamba, Advocate
for the petitioners.
Mr. P.S. Sullar, Addl. A.G. Haryana.
Mr. Sunil Dhanda, Advocate
for respondent No.2.

Surinder Gupta, J

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of the FIR No.358 dated 9.10.2012 (Annexure P-1), registered for offence punishable under Sections 406, 420, 467, 468, 120-B IPC at Police Station Surajkund, District Faridabad, on the basis of the compromise (Annexure P-2).

As per case of prosecution, the petitioner No.1 in collusion with petitioners No.2 and 3, impersonating herself to be Harbans Kaur, who has since died, executed a G.P.A. in favour petitioner No.4, who has further executed a sale deed in favour of respondent No.2-complainant.

Upon notice, Mr. P.S. Sullar, Addl. A.G. Haryana, has put in appearance on behalf of respondent No.1-State and Mr. Sunil Dhanda, Advocate has put in appearance on behalf of respondent No.2-complainant.

I have heard learned counsel for the parties and perused the case file.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 16.9.2014 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Learned counsel for the respondent No.2-complainant has submitted that in view of the compromise (Annexure P/2), the private respondent (complainant) has no objection if the impugned FIR (Annexure P/1) is quashed. Learned State counsel has also not disputed the compromise (Annexure P/2).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence under Sections 467/468 IPC are not compoundable. In case ***Kulwinder Singh vs. State of Punjab, 2007 (3) RCR (Crl.) 1052***, Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers under Section 482 Cr.P.C. even if the offence is not compoundable.

In the instant case, the compromise has been effected with the intervention of the respectables and now the parties wish to live in peace and harmony.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties to this petition but also for their families and ultimately the society at large. The offence in this case is not so heinous or serious that it cannot be settled by the parties through compromise.

In view of the above discussion, the instant petition is allowed and the impugned FIR (Annexure P-1) along with all consequential proceedings arising therefrom is quashed.

May 27, 2014
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(Surinder Gupta)
Judge