

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33504 of 2015

.....

Date of decision:30.11.2015

Pinkesh K. Anand

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

Mr. Subhash Chand, Advocate 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.305 dated 5.11.2014 (Annexure-P.2) registered for the offences under Sections 419 and 493 IPC at Police Station Cantonment Amritsar City, District Amritsar and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.1).

The FIR has been registered on the statement of complainant-Smt. Anit Sekhri on the allegations that the accused-petitioner by hatching conspiracy have cheated her and solemnized second marriage with her without giving divorce to his first wife. Now with intervention of

respectable persons, the matter has been amicably settled and compromise has been entered into between the parties, 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 Judicial Magistrate Ist Class, Amritsar has sent her report dated 13.11.2015 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 Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainant-respondent No.2 admit the factum of compromise and submit 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 Deputy Advocate General, Punjab and learned counsel for complainant-respondent No.2 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

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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.305 dated 5.11.2014 (Annexure-P.2) registered for the offences under Sections 419 and 493 IPC at Police Station Cantonment Amritsar City, District Amritsar and all subsequent proceedings arising out of the same are hereby quashed.

November 30, 2015.

(Inderjit Singh)
Judge

hsp