

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33885 of 2014

.....

Date of decision:15.1.2015

Gagandeep Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Arvind Kashyap, Advocate for the petitioner.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Suresh Sahi, 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.493 dated 28.11.2013 (Annexure-P.1) registered for the offences under Sections 420, 465, 467, 471 and 120-B IPC at Police Station Zirakpur, District S.A.S. Nagar (Mohali) and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Balvinder Kumar against the accused-petitioner and respondents No.3 and 4 for the above mentioned offences. Now with intervention of respectable persons, the matter has been amicably compromised between the

petitioner and respondent No.2 only and they have resolved their dispute.

Keeping in view the fact that the parties have entered into a compromise, 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, Dera Bassi has sent her report dated 8.1.2015 submitting that the compromise arrived at between the complainant Balwinder Kumar and accused Gagandeep Singh is only without any pressure, coercion or undue influence and the compromise is genuine and outcome of free consent of the parties, but the matter does not seem to have been compromised between complainant and other accused except Gagandeep Singh. Complainant Balwinder Kumar as well as accused Gagandeep Singh have got recorded their statements and complainant Balwinder Kumar has stated that the compromise is without any pressure, coercion or inducement and he has no objection if the FIR is quashed qua the petitioner.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for 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 Assistant Advocate General, Punjab and learned counsel for respondent No.2 and have gone through the record.

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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.

The Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, has 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. Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), this petition is allowed and FIR No.493 dated 28.11.2013 (Annexure-P.1) registered for the offences under Sections 420, 465, 467, 471 and 120-B IPC at Police Station Zirakpur, District S.A.S. Nagar (Mohali) and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner only.

January 15, 2015.

(Inderjit Singh)
Judge

hsp