

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-34389 of 2014

.....

Date of decision:19.1.2015

Shashi Bala and others

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.D. Yadav, Advocate for the petitioners.

Mr. S.S. Pannu, Deputy Advocate General, Haryana
for the respondent-State.

Mr. S.K. Yadav, 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.64 dated 6.5.2007 (Annexure-P.1) registered for the offences under Sections 420, 467, 468, 471 and 120-B IPC and (Section 3 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, which was added later on) at Police Station Kosli, District Rewari and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Siri Ram alias Shyam against the petitioners for the above mentioned

offences as they cheated him. Now with intervention of respectable persons, the matter has been amicably compromised between the parties 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 Additional Sessions Judge, Rewari has sent his report dated 20.12.2014 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 Siri Ram alias Shyam has stated that compromise has been arrived at with the accused-petitioners without any force, pressure or coercion from any side and all the disputes have been settled by him with the accused persons and he has no objection if the FIR is quashed.

Learned Deputy Advocate General, Haryana, 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 petitioners as well as learned Deputy Advocate General, Haryana 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 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.64 dated 6.5.2007 (Annexure-P.1) registered for the offences under Sections 420, 467, 468, 471 and 120-B IPC and (Section 3 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, which was added later on) at Police Station Kosli, District Rewari and all subsequent proceedings arising out of the same are hereby quashed.

January 19, 2015.

(Inderjit Singh)
Judge

hsp