

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-369 of 2015

.....

Date of decision:29.1.2015

Mohd. Salim and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Imran Farooqi, Advocate for the petitioners.

Mr. Amarinder Singh Klar, Assistant Advocate General,
Punjab for the respondent-State.

Mr. Harjeet Singh Gill, Advocate for complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.89 dated 24.3.2009 (Annexure-P.1) registered for the offences under Sections 418, 420, 465, 467 and 120-B IPC at Police Station Malerkotla, District Sangrur and all subsequent proceedings arising therefrom in view of the compromise dated 15.12.2014 (Annexure-P.2).

The FIR has been registered on the statement of complainant-Mohd. Suleman on the allegations that after the demise of his father, the property was divided among his mother, sisters and brothers. Thereafter,

on 23.5.1990, a power of attorney was executed by his mother and sisters in the name of his brother petitioner No.1 Mohd. Salim so that the property of their shares to be divided among all brothers. Thereafter, in the year 1996, his sister Bashira died and on 9.3.1998 his mother Rehmi had also died and then on 11.1.1999, petitioner No.1 executed a sale deed in favour of his wife Ramzanan-petitioner No.2, in connivance with petitioners No.2 to 4 and they have committed fraud and cheating with the complainant. Now with intervention of respectable persons of the locality and family members, a compromise dated 15.12.2014 has been arrived at between the parties and all the confusion and differences, which have arisen in the family, have been amicably resolved/settled for future peace and harmony of the family.

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 Sub Divisional Judicial Magistrate, Malerkotla has sent her report dated 29.1.2015 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-Mohd. Suleman has stated that the matter in dispute has been compromised, which is voluntary, without any pressure or coercion and he has no objection if the aforesaid FIR is quashed.

Learned Assistant 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

[3]

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 Assistant 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 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.89 dated 24.3.2009 (Annexure-P.1) registered for

[4]

the offences under Sections 418, 420, 465, 467 and 120-B IPC at Police Station Malerkotla, District Sangrur and all subsequent proceedings arising out of the same are hereby quashed.

January 29, 2015.

(Inderjit Singh)
Judge

hsp