

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-37091 of 2014

Date of decision: May 05, 2015

Gurmukh Singh and another

.. Petitioners

Vs.

State of Punjab and another

.. Respondents

Coram: Hon'ble Mr. Justice Surinder Gupta

Present: Mr. Rahul Rampal, Advocate
for the petitioners.
Mr. Yogesh Gupta, AAG, Punjab.
Mr. J.S. Rangila, 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.160 dated 10.9.2013 (Annexure P-1), registered for offence punishable under Sections 406/420/120-B IPC and 36 (1) Punjab Apartment & Property Regulation Act, 1995 at Police Station City Kharar, District S.A.S. Nagar, on the basis of the compromise (Annexure P-2).

Heard.

The FIR was registered on the complaint of respondent No.2-Jagtar Singh Gill. The case of the complainant was that he had neither been allotted plot nor returned his money. It is submitted that under the compromise, the matter has been settled and the amount paid by respondent No.2-complainant has been returned by the petitioners.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 27.3.2015 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).

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 05, 2015
deepak

(Surinder Gupta)
Judge