

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-39774 of 2014

.....

Date of decision:23.1.2015

Daljit Singh alias Gaba

.....Petitioner

v.

State of Punjab and another

.....Respondents

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. G.S. Rawat, Advocate for the petitioner.

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

Mr. Puneet Sharma, Advocate for 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.24 dated 11.3.2011 (Annexure-P.1) registered for the offences under Sections 406 and 420 IPC at Police Station Division No.3 Jalandhar, District Jalandhar and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Satnam Kaur grandmother of Gurveen Singh alias Kaka (respondent No.2) on the allegations that her son Daljit Singh has withdrawn certain amount from her account in Citizen Urban Cooperative Bank, Jalandhar

and as per the settlement, he had to return the money on 5.5.2010, but he did not give back said money. Later on, during pendency of complaint, Satnam Kaur expired and was represented by her grandson i.e. respondent No.2. In this manner, the accused-petitioner had cheated his mother. Now with intervention of respectable persons and family friends, the matter has been amicably compromised between the parties and they have resolved their dispute, 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 Additional Chief Judicial Magistrate, Jalandhar has sent his report dated 12.1.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Respondent No.2- Gurveen Singh alias Kaka has stated that he has effected a compromise with the accused Daljit Singh, which is with his own free will, consent and without any pressure. He does not want to proceed with the present case and has no objection if the aforesaid FIR is quashed.

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

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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.24 dated 11.3.2011 (Annexure-P.1) registered for the offences under Sections 406 and 420 IPC at Police Station Division No.3 Jalandhar, District Jalandhar and all subsequent proceedings arising out of the same are hereby quashed.

January 23, 2015.

(Inderjit Singh)
Judge

hsp