

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-8030 of 2014

.....

Date of decision:15.1.2015

Bhupender Tiwari and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. M.S. Yadav, Advocate for Mr. J.S. Hooda, Advocate for the petitioners.

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

None for complainant-respondent No.3.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.528 dated 9.10.2009 (Annexure-P.1) registered for the offences under Sections 419, 420, 467, 468, 469 and 471 IPC at Police Station Faridabad Central, District Faridabad and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Anjali Kunwar against the accused-petitioners for the above mentioned offences. Now with intervention of respectable persons, the matter has

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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 Judicial Magistrate Ist Class, Faridabad has sent her report dated 8.1.2015 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 Anjali Kunwar has stated that compromise has been arrived at with the accused-petitioners voluntarily, without any kind of pressure, undue influence and coercion and she has no objection if the FIR is quashed.

Learned Deputy Advocate General, Haryana, on instructions from the Investigating Officer admits the factum of compromise and submits 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 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

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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.528 dated 9.10.2009 (Annexure-P.1) registered for the offences under Sections 419, 420, 467, 468, 469 and 471 IPC at Police Station Faridabad Central, District Faridabad and all subsequent proceedings arising out of the same are hereby quashed.

January 15, 2015.

(Inderjit Singh)
Judge

hsp