

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-12080 of 2016

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Date of decision:15.7.2016

Vijay Kumar and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

(2) Criminal Misc. No.M-40097 of 2015

.....

Vijay Kumar

.....Petitioners

v.

State of Punjab

.....Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Parmod Chauhan, Advocate for the petitioners.

Mr. D.S. Virk, Assistant Advocate General Punjab for the
respondent-State.

Mr. Jagatpal Singh Banwait, Advocate for Mr. Sarju Puri,
Advocate for the complaint.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal
miscellaneous petitions i.e. Criminal Misc. No.M-12080 of 2016 filed
under Section 482 Cr.P.C. for quashing of FIR No.35 dated 22.9.2010
registered for the offences under Sections 419, 420, 465, 468, 471 and 120-

B IPC at Police Station City Banga, District Nawanshahr (S.B.S. Nagar) and Criminal Misc. No.M-40097 of 2015 filed for quashing of impugned order dated 7.7.2011 passed by learned Judicial Magistrate Ist Class, Nawanshahr (S.B.S. Nagar), whereby the petitioner-Vijay Kumar has been declared as proclaimed offender as well as all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR was got registered on the complaint of complainant-Balbir Raj as the accused-petitioners by hatching conspiracy have cheated him. Vide impugned order dated 7.7.2011 passed by learned Judicial Magistrate Ist Class, Nawanshahr (S.B.S. Nagar) petitioner-Vijay Kumar was declared as proclaimed offender. Now with the intervention of respectable persons, both the parties have arrived at an amicable settlement and have effected a compromise.

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, Shaheed Bhagat Singh Nagar has sent his report dated 4.6.2016 in both the cases submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant 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 and the impugned order 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 the complainant 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 in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, these petitions are allowed and FIR No.35 dated 22.9.2010 registered for the offences under Sections 419, 420, 465, 468, 471 and 120-B IPC at Police Station City Banga, District Nawanshahr (S.B.S. Nagar), impugned order dated 7.7.2011 passed by learned Judicial Magistrate Ist Class, Nawanshahr (S.B.S. Nagar), whereby the petitioner-Vijay Kumar has been declared as proclaimed offender as well as all other subsequent proceedings arising out of the same are hereby quashed.

July 15, 2016.

(Inderjit Singh)
Judge

hsp