

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-18315 of 2015

.....

Date of decision:21.3.2016

Yogash and another

.....Petitioners

v.

Nav Bharat Fertilizers Ltd. and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Madhu Ranjan, Advocate for the petitioners.

Mr. R.K. Dhiman, Advocate for respondent No.1.

Mr. D.R. Singla, Deputy Advocate General, Haryana for
the respondent No.2-State.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.330 dated 6.11.2014 (Annexure-P.1) registered for the offences under Sections 406 and 34 IPC at Police Station Rajendra Park, Gurgaon and all subsequent proceedings arising therefrom in view of the compromise.

The FIR has been registered on the statement of complainant-Mohan Jangra on the allegations that the accused-petitioners, who are employees of the Company, had not delivered 550 bags of fertilizer and 225 bottles of the Company at the Godown of the company and instead had sold

the same in the area of Rajasthan. Now with the intervention of respectable persons, the matter has been amicably settled and compromise has been entered into between the parties, 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 Judicial Magistrate Ist Class, Gurgaon has sent her report dated 10.3.2016 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Deputy Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for complainant-respondent No.1 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 petitioners as well as learned Deputy Advocate General, Haryana and learned counsel for complainant-respondent No.1 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, this petition is allowed and FIR No.330 dated 6.11.2014 (Annexure-P.1) registered for the offences under Sections 406 and 34 IPC at Police Station Rajendra Park, Gurgaon and all subsequent proceedings arising out of the same are hereby quashed.

March 21, 2016.

(Inderjit Singh)
Judge

hsp