

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-19317 of 2016

.....

Date of decision:12.8.2016

Avinash Chander Sud and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Preetinder Singh Ahluwalia, Advocate for the petitioners.

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

Mr. K.S. Jetley, Advocate for respondents No.2 and 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.205 dated 27.7.2015 (Annexure-P.1) registered for the offences under Sections 409, 418, 420, 467, 468, 471 and 120-B IPC at Police Station Chandimandir, District Panchkula, along with order dated 17.5.2016 (Annexure-P.7), whereby further investigation has been ordered by the learned trial Court and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

The FIR has been registered on the statement of complainant-Jaswinder Singh Saini on the allegations that the accused-petitioners by

hatching conspiracy have cheated him. 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 Additional Chief Judicial Magistrate, Panchkula, has sent her report dated 30.7.2016 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Affidavits have also been filed on behalf of the respondents No.2 and 3, wherein they have sworn that they do not want to pursue the case bearing FIR No.205 dated 27.7.2015 against the petitioners and have no objection for quashing of the same for their exoneration.

Learned Assistant Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for complainant-respondents No.2 and 3 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 Assistant Advocate General, Haryana and learned counsel for complainant-respondents No.2 and 3 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

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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.205 dated 27.7.2015 (Annexure-P.1) registered for the offences under Sections 409, 418, 420, 467, 468, 471 and 120-B IPC at Police Station Chandimandir, District Panchkula, along with order dated 17.5.2016 (Annexure-P.7), whereby further investigation has been ordered by the learned trial Court and all subsequent proceedings arising out of the same are hereby quashed.

August 12, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No