

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-21097 of 2015

.....

Date of decision:27.7.2016

Kuldeep Singh and others

.....Petitioners

v.

Gurcharan Singh and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. P.K.S. Phoolka, Advocate for the petitioners.

Mr. Sukhwinder Singh, Advocate for complainant-respondent
No.1.

Mr. D.S. Virk, Assistant Advocate General, Punjab
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 complaint No.COMP/58/2014 dated 14.11.2013 titled as “Gurcharan Singh Vs. Kuldeep Singh and others” filed for the offences under Sections 420, 465, 467, 468, 471 and 120-B IPC, pending in the Court of Judicial Magistrate Ist Class, Moga and summoning order dated 12.3.2014 (Annexure-P.2) under Sections 420, 465, 467, 468, 471 and 120-B IPC and all subsequent proceedings arising therefrom on the basis of compromise dated 19.5.2015 (Annexure-P.3).

The complaint has been filed by Gurcharan Singh-complainant

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, Moga has sent her report dated 27.5.2016 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 Assistant Advocate General, Punjab, on instructions 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 complaint 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.

[3]

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 complaint No.COMP/58/2014 dated 14.11.2013 titled as "Gurcharan Singh Vs. Kuldeep Singh and others" filed for the offences under Sections 420, 465, 467, 468, 471 and 120-B IPC, pending in the Court of Judicial Magistrate Ist Class, Moga and summoning order dated 12.3.2014 (Annexure-P.2) under Sections 420, 465, 467, 468, 471 and 120-B IPC and all subsequent proceedings arising out of the same are hereby quashed on the basis of compromise dated 19.5.2015 (Annexure-P.3).

July 27, 2016.

(Inderjit Singh)
Judge

hsp

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