

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-21560 of 2015

.....

Date of decision:31.5.2016

Avtar Singh and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Gursharan Kaur Man, Advocate for the petitioners.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

None for the complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.443 dated 19.12.2014 (Annexure-P.1) registered for the offence under Section 365 IPC at Police Station Chhehrata, District Amritsar City and all subsequent proceedings arising therefrom in view of the compromise (Annexures-P.2 and P.3).

The FIR has been registered on the statement of complainant- Gian Dass on the allegations that some unknown persons had kidnapped his son. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

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, Amritsar has sent his report dated 25.5.2016 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 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 Assistant Advocate General, Punjab 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

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petition is allowed and FIR No.443 dated 19.12.2014 (Annexure-P.1) registered for the offence under Section 365 IPC at Police Station Chhehrata, District Amritsar City and all subsequent proceedings arising out of the same are hereby quashed.

May 31, 2016.

(Inderjit Singh)
Judge

hsp