

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-24742 of 2016

.....

Date of decision:29.7.2016

Satish Kumar and others

.....Petitioners

v.

Union Territory, Chandigarh and others

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Karanvir Singh Khehar, Advocate for the petitioners.

Mr. Sukant Gupta, Addl. P.P. for U.T., Chandigarh-respondent No.1.

Mr. Amandeep Singh, Advocate for complainant-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.93 dated 14.3.2016 (Annexure-P.1) registered for the offences under Sections 447 and 420 IPC at Police Station Sector 31, Chandigarh and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Smt. Bimla Gupta on the allegations that the accused-petitioners committed fraud and forgeries and took forcible possession of their plot. Now with the intervention of respectable persons of both the parties, the matter has been

amicably settled and compromise has been entered into between the parties. As per the terms of the aforesaid compromise, Sohan Lal and Jaswant Kaur have undertaken to hand over physical possession of plot along with construction in dispute to the complainant situated in Khasra No.133/2 at Village Hallo Majra, Chandigarh, bounded by property of Rachna Kapur on Eastern side, property of Shiv Parshad on western side and on northern and southern side are passages and further Sohan Lal and Jaswant Kaur will have no claim in future over the said plot/building which already stands mutated in the name of late Shri Sham Lal Gupta, husband of Bimla Gupta. As the matter has been compromised, the parties 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, Chandigarh has sent his report dated 28.7.2016 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Addl. P.P., U.T. Chandigarh, 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 Addl. P.P., U.T. Chandigarh 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 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.93 dated 14.3.2016 (Annexure-P.1) registered for the offences under Sections 447 and 420 IPC at Police Station Sector 31, Chandigarh and all subsequent proceedings arising out of the same are hereby quashed.

At this stage, learned counsel for the petitioners submits that petitioner No.1-Satish Kumar is in custody in this case.

Since the FIR in question has been quashed by this Court vide above order, therefore, petitioner No.1-Satish Kumar be set at liberty forthwith, if his custody is not required in connection with any other case.

July 29, 2016.

(Inderjit Singh)
Judge

hsp

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