

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-29456 of 2016 (O&M)

.....

Date of decision:30.11.2016

Veena

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Mukesh Verma, Advocate for Mr. Hitesh Pandit, Advocate for the petitioner.

Mr. Varun Sharma, Assistant Advocate General, Punjab for the respondent-State.

Mr. Parambir Singh, Advocate for 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.248 dated 20.11.2015 (Annexure-P.1) registered for the offences under Sections 406 and 420 IPC at Police Station Division No.5, Civil Lines, Ludhiana, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

The FIR has been registered on the statement of complainant-Rajesh Kumar Gambhir on the allegations that the accused-petitioner has cheated him. Now with 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 Additional Chief Judicial Magistrate, Ludhiana has sent his report dated 5.9.2016 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 and learned counsel for the complainant-respondent No.2 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 petitioner as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 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.248 dated 20.11.2015 (Annexure-P.1) registered for the offences under Sections 406 and 420 IPC at Police Station Division No.5, Civil Lines, Ludhiana, District Ludhiana and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

November 30, 2016.

(Inderjit Singh)
Judge

hsp

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