

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-32984 of 2014

.....

Date of decision:28.1.2016

Safhi Ilahi

.....Petitioner

v.

State of Punjab and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Sanjiv Bansal, Advocate for the petitioner.

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

Mr. Lovleen Gupta, Advocate for Mr. Sanjiv Thakur, Advocate for complainant-respondent No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.70 dated 16.5.2014 (Annexure-P.1) registered for the offences under Sections 420, 465, 468 and 471 IPC and Section 66 of the Information Technology Act, 2000 at Police Station Khamano, District Fatehgarh Sahib and all subsequent proceedings arising therefrom in view of the compromise.

The FIR has been registered on the statement of complainant-Ashok Chopra on the the allegation that the accused-petitioner has utilized the amount wrongly deposited in his bank account maintained with Bank

[2]

of Baroda, Central Market Branch, Lajpat Nagar, Delhi. He immediately upon gaining the knowledge of the above said error having crept in, with regard to the amount being wrongly credited in his account, the petitioner had re-deposited the entire amount in his bank account and the said amount was remitted back to the original account, from which the said amount was wrongly received in his account. Now with the depositing of the amount in the original account, 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 Sub Divisional Judicial Magistrate, Khamano has sent his report dated 2.12.2015 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 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.70 dated 16.5.2014 (Annexure-P.1) registered for the offences under Sections 420, 465, 468 and 471 IPC and Section 66 of the Information Technology Act, 2000 at Police Station Khamano, District Fatehgarh Sahib and all subsequent proceedings arising out of the same are hereby quashed.

January 28, 2016.

(Inderjit Singh)
Judge

hsp