In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-37873 of 2015

.....

Date of decision:5.5.2016

Rahul Batta and another

.....Petitioners

v.

Union Territory, Chandigarh and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. A.K. Sharma, Advocate for for the petitioners.

Mr. Amandeep Singh Gill, Additional Public Prosecutor, for respondent No.1-U.T. Chandigarh.

None for the complainant-respondent No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.76 dated 21.4.2015 (Annexure-P.1) registered for the offences under Sections 420 and 379 IPC at Police Station Sector 19, 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-Vivek Lakhanpal on the allegations that the accused-petitioners by hatching conspiracy has 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

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before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate, Chandigarh has sent his report dated 31.3.2016 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 Additional P.P., U.T. Chandigarh, 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 Additional P.P., UT. Chandigarh 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.76 dated 21.4.2015 (Annexure-P.1) registered for the offences under Sections 420 and 379 IPC at Police Station

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Sector 19, Chandigarh and all subsequent proceedings arising out of the same are hereby quashed.

May 5, 2016. **(Inderjit Singh)**
Judge

hsp

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