

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-40103 of 2015

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Date of decision:28.4.2016

Mohinder Pal

.....Petitioner

v.

State of Haryana and others

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. J.S. Toor, Advocate for the petitioner.

Mr. D.R. Singla, Deputy Advocate General, Haryana for
the respondent-State.

Mr. Ashok Giri, Advocate for respondent No.3.

Mr. Vivek Suri, Advocate for respondent No.4.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.69 dated 10.4.2015 (Annexure-P.1) registered for the offences under Sections 420, 451, 427, 511 and 506 IPC at Police Station Sector 14, Panchkula and all subsequent proceedings arising therefrom in view of the compromise.

The FIR has been registered on the statement of complainant-Seema Agnihotri on the allegations that the accused-petitioner by conniving complainant's husband, with whom she has matrimonial dispute hatched the

conspiracy and cheated her. It has been stated that the petitioner with the help of labourers by demolishing the room from the backside of the house was trying to enter the house. The complainant and her daughter have danger to their life and respect/dignity because few days earlier Mahinder Pal by breaking open the locks of the house, had trespassed the back portion of the house. 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 before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Panchkula has sent her report dated 16.4.2016, which was placed in the connected file i.e. Criminal Misc. No.M-3709 of 2016, submitting that the compromise Mark-C1, which has been taken on record, arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Deputy Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for complainant-respondent No.4 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 Deputy Advocate General, Haryana and learned counsel for complainant-respondent No.4 and have gone through the record.

In a decision, based on compromise, none of the parties is a

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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.69 dated 10.4.2015 (Annexure-P.1) registered for the offences under Sections 420, 451, 427, 511 and 506 IPC at Police Station Sector 14, Panchkula and all subsequent proceedings arising out of the same are hereby quashed.

April 28, 2016.

Inderjit Singh)
Judge

hsp