

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-4286 of 2016

.....

Date of decision:1.4.2016

Sunil Kumar and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Gaganjot Kaur, Advocate for the petitioners.

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

None for the 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 complaint case No.15 dated 24.4.2007 (Annexure-P.1) filed for the offences under Sections 323, 328, 382, 379, 324, 504, 506 and 34 IPC pending in the Court of learned Additional Sessions Judge, Ludhiana on the basis of compromise dated 24.12.2015 (Annexure-P.3) and all subsequent proceedings arising therefrom.

The complaint case has been filed by complainant-Sandeep Kumar on the allegations that accused-petitioner No.1 wanted to grab the amount of the FDR from the complainant as the FDR belongs to their father

and respondent No.2. Father of petitioner No.1 and respondent No.2 has died and thereafter the dispute has arisen between them. The parties to the dispute are real brothers and other relatives. 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 Additional Sessions Judge, Ludhiana has sent his report dated 25.2.2016 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 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 complaint 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 Assistant Advocate General, Punjab 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

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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 complaint case No.15 dated 24.4.2007 (Annexure-P.1) filed for the offences under Sections 323, 328, 382, 379, 324, 504, 506 and 34 IPC pending in the Court of learned Additional Sessions Judge, Ludhiana on the basis of compromise dated 24.12.2015 (Annexure-P.3) and all subsequent proceedings arising out of the same are hereby quashed.

April 1, 2016.

(Inderjit Singh)
Judge

hsp