

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-43961 of 2015

.....

Date of decision:18.2.2016

Gurinder Kaur

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Ritesh Datta, Advocate for complainant-respondents No.2
and 3.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.177 dated 12.10.2011 (Annexure-P.1) registered for the offence under Section 380 IPC at Police Station City Khanna, Police District Khanna, District Ludhiana as well as charge-sheet dated 25.4.2012 (Annexure-P.2) vide which charges have been framed for the offences under Sections 380, 447, 427 and 201 IPC and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

The FIR has been registered on the statement of complainant-Lt. Col. Nachhattar Singh on the allegations that the accused-petitioner had forcibly taken possession of their two big and two small rooms and stolen

some of items including household articles. She had also put locks on the front gates and the complainant and his family could not enter their house and rooms. 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 Judicial Magistrate Ist Class, Khanna has sent his report dated 10.2.2016 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 and learned counsel for the complainant-respondents No.2 and 3 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-respondents No.2 and 3 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

[3]

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.177 dated 12.10.2011 (Annexure-P.1) registered for the offence under Section 380 IPC at Police Station City Khanna, Police District Khanna, District Ludhiana and charge-sheet dated 25.4.2012 (Annexure-P.2) vide which charges have been framed for the offence under Sections 380, 447, 427 and 201 IPC and all subsequent proceedings arising out of the same are hereby quashed.

February 18, 2016.

(Inderjit Singh)
Judge

hsp