

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-5899 of 2016

.....

Date of decision:31.8.2016

Manoj Kumar Sharma

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Pawan Malik, Advocate for the petitioner.

Mr. Brijesh Sharma, Assistant Advocate General, Haryana 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 FIR No.134 dated 26.2.2009 (Annexure-P.1) registered for the offences under Sections 408, 420, 468 and 471 IPC at Police Station Central Faridabad, District Faridabad and all subsequent proceedings including the challan (final report) dated 2.3.2011 arising therefrom in view of the compromise (Annexure-P.3).

The FIR has been registered on the statement of complainant-Modern School, through its Manager S.K. Jain on the allegations that the petitioner manufactured the cheque for ₹90,245/- instead of ₹9,245/- and

presented in his bank i.e. Punjab National Bank, East of Kailash, New Delhi and proceeded on leave after presenting the cheque. 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, Faridabad has sent his report dated 20.8.2016 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, Haryana, 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 petitioner as well as learned Assistant Advocate General, Haryana 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.

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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.134 dated 26.2.2009 (Annexure-P.1) registered for the offences under Sections 408, 420, 468 and 471 IPC at Police Station Central Faridabad, District Faridabad and all subsequent proceedings including the challan (final report) dated 2.3.2011 arising out of the same are hereby quashed.

August 31, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No