

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-6361 of 2016

.....

Date of decision:21.9.2016

Narinder Singh alias Chhindi and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. D.S. Pheruman, Advocate for the petitioners.

Mr. D.S. Virk, Assistant Advocate General, Haryana
for the respondent-State.

Mr. Tanundeeep Kumar, Advocate for complainant-respondent
No.2.

.....

Inderjit Singh, J.

At the outset, it is essential to mention here that petition qua petitioner No.2 Sukhwinder Singh alias Vicky is dismissed as withdrawn.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.23 dated 2.3.2015 (Annexure-P.1) registered for the offences under Sections 420 and 406 IPC at Police Station City Hoshiarpur, District Hoshiarpur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Manoj Kumar on the allegations that the accused-petitioners by hatching conspiracy have 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 before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate, Hoshiarpur has sent his first report dated 25.3.2016. Thereafter, vide order dated 29.3.2016, petitioner No.2 was directed to appear before the trial Court for recording his statement. Now, the learned Chief Judicial Magistrate, Hoshiarpur has sent his report dated 4.8.2016 submitting that petitioner No.2 has not appeared for recording his statement. As per the report dated 4.8.2016, the compromise arrived at between petitioner No.1 and respondent No.2 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 complainant-respondent No.2 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 Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 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

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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.23 dated 2.3.2015 (Annexure-P.1) registered for the offences under Sections 420 and 406 IPC at Police Station City Hoshiarpur, District Hoshiarpur and all subsequent proceedings arising out of the same are hereby quashed qua petitioner No.1 only.

September 21, 2016.

(Inderjit Singh)
Judge

hsp

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