

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-6526 of 2016

.....

Date of decision:29.3.2016

Peeyoosh Saini and another

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Parveen Chauhan, Advocate for the petitioners.

Mr. D.R. Singla, Deputy 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.1254 dated 31.12.2005 (Annexure-P.1) registered for the offences under Sections 406, 420 and 120-B IPC at Police Station Gurgaon Sadar, District Gurgaon and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Kishori Prasad Kushwaha 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

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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 Chief Judicial Magistrate, Gurgaon has sent his report dated 16.3.2016 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 Deputy 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 petitioners as well as learned Deputy 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.

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

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petition is allowed and FIR No.1254 dated 31.12.2005 (Annexure-P.1) registered for the offences under Sections 406, 420 and 120-B IPC at Police Station Gurgaon Sadar, District Gurgaon and all subsequent proceedings arising out of the same are hereby quashed.

March 29, 2016.

(Inderjit Singh)
Judge

hsp