

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-10528 of 2016

.....

Date of decision:6.2.2017

Sushma Saxena and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Deepak Aggarwal, Advocate for the petitioners.

Mr. K.S. Aulakh, Assistant Advocate General, Punjab
for the respondent-State.

None for complainant-respondent No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.102 dated 19.9.2015 (Annexure-P.1) registered for the offences under Sections 406 and 420 IPC at Police Station Rampura, District Bathinda and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

Learned counsel for the petitioners prays that petition qua petitioner No.2 Akshita Saxena be dismissed as withdrawn as she could not appear before the learned trial Court for getting her statement recorded.

Ordered accordingly.

The FIR has been registered on the statement of complainant-Surinderpal Kaur on the allegations that the accused-petitioners by hatching conspiracy have cheated her. 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 Sub Divisional Judicial Magistrate, Phul has sent his report dated 12.8.2016 submitting that the accused Akshita Saxena (petitioner No.2) did not appear in the Court, but one Akanksha appeared in the Court and suffered a statement with regard to the genuineness of the compromise. It has been submitted 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 FIR in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the parties 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 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.102 dated 19.9.2015 (Annexure-P.1) registered for the offences under Sections 406 and 420 IPC at Police Station Rampura, District Bathinda and all subsequent proceedings arising out of the same are hereby quashed qua petitioner No.1-Sushma Saxena only.

February 6, 2017.

(Inderjit Singh)
Judge

hsp

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