

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-11961 of 2016

.....

Date of decision:9.8.2017

Seema Sharma

.....Petitioner

v.

State of Punjab and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Avtar Singh Bhatti, Advocate for the petitioner.

Mr. A.S. Dhaliwal, Deputy Advocate General, Punjab
for the respondent-State.

Mr. Ritesh Pandey, Advocate for 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.64 dated 23.2.2014 (Annexure-P.1) registered for the offences under Sections 457 and 380 IPC and (Sections 420, 120-B, 182, 202, 203, 211, 193, 177 and 411 IPC, which were added later on) at Police Station Jodhewal, District Ludhiana City and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of petitioner-Seema Sharma on the allegations that on 21.2.2014 two unidentified persons entered in her bedroom at 2.00 a.m. and stolen the gold jewellery

from her locker. Thereafter, on the statement of the petitioner and respondent No.2, the FIR was registered against unknown person. During the investigation, the Investigating Officer nominated the petitioner as well as one Deepak as accused for stealing the gold jewellery and as the petitioner provided the false information to the Police, the offences under Sections 420, 120-B, 182, 202, 203, 211, 193, 177 and 411 IPC were added later on. Now as the petitioner is the wife of the complainant-respondent No.2 and in order to save the matrimonial home, the respondent No.2 agreed not to pursue the present FIR against the petitioner and executed a compromise with the petitioner. It is pertinent to mention here that co-accused Deepak has expired and the proceedings against him stands abated. 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, Ludhiana has sent report dated 27.7.2016 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, 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 parties as well as learned State counsel 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.64 dated 23.2.2014 (Annexure-P.1) registered for the offences under Sections 457 and 380 IPC and (Sections 420, 120-B, 182, 202, 203, 211, 193, 177 and 411 IPC, which were added later on) at Police Station Jodhewal, District Ludhiana City and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

August 9, 2017.

(Inderjit Singh)
Judge

hsp

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