

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-17508 of 2016

.....

Date of decision:31.1.2017

Sanjeev Gupta

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Devender Punia, Advocate for the petitioner.

Mr. K.S. Aulakh, 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.262 dated 5.9.2015 (Annexure-P.1) registered for the offence under Section 408 IPC at Police Station Sector 55/56 Gurgaon, 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-Subodh Kumar Sharma on the allegations that the accused-petitioner took away important documents of the office and Company of the complainant and ₹5,200/- cash and thereafter he did not come to the office. The said documents are important for the business view of the company and as the

said documents are not traceable, the company is suffering irreparable loss and is also paying fine. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, 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, Gurgaon, has sent his report dated 13.7.2016 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 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

[3]

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.262 dated 5.9.2015 (Annexure-P.1) registered for the offence under Section 408 IPC at Police Station Sector 55/56 Gurgaon, District Gurgaon and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

January 31, 2017.

(Inderjit Singh)
Judge

hsp

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