

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-22952 of 2015

.....

Date of decision:28.9.2017

Rakesh Kumar and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Tarun Singla, Advocate for the petitioners.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab
for the respondent-State.

Mr. A.K. Khunger, Advocate for the complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.4 dated 5.1.2011 (Annexure-P.1) registered for the offences under Sections 457, 458, 380 and 511 IPC at Police Station Kotwali Bathinda, District Bathinda and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

The FIR has been registered on the statement of complainant-Jaipal Singh alias Jaipal Mittal on the allegations that the accused-petitioners had entered his shop after breaking open the locks and were tying the clothes in a bundle. The the complainant along with his neighbour closed the shutter of the shop from outside and informed the Police. The

Police officials reached the spot in their presence and opened the shutter of the shop and caught hold of accused. 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, Bathinda has sent report dated 21.10.2016 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 Senior Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant 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

[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.4 dated 5.1.2011 (Annexure-P.1) registered for the offences under Sections 457, 458, 380 and 511 IPC at Police Station Kotwali Bathinda, District Bathinda and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

September 28, 2017.

(Inderjit Singh)
Judge

hsp

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