

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-25735 of 2017

.....

Date of decision:29.8.2017

Rajat Sharma and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. S.K. Choudhary, Advocate for the petitioners.

Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate General,
Punjab for the respondent-State.

Mr. R.K. Arya , Advocate for Mr. Tejinder Singh Gill, 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.45 dated 5.4.2017 registered for the offences under Sections 420 and 379 IPC and (Sections 411 and 120-B IPC, which were added later on) at Police Station Sadar Kapurthala, District Kapurthala and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.1).

The FIR has been registered on the statement of complainant-Parav Aggarwal alias Param Aggarwal on the allegations that the accused-petitioners by hatching conspiracy have taken away his vehicle from the

security guards by disclosing himself to be the brother-in-law of the owner of the vehicle and in this way they have cheated him. 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 Additional Chief Judicial Magistrate, Kapurthala has sent report dated 2.8.2017 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 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.45 dated 5.4.2017 registered for the offences under Sections 420 and 379 IPC and (Sections 411 and 120-B IPC, which were added later on) at Police Station Sadar Kapurthala, District Kapurthala and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

August 29, 2017.

(Inderjit Singh)
Judge

hsp

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