

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-31242 of 2016

.....

Date of decision:18.7.2017

Surinder Kumar alias Bagga and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Navneet Kaur Sran, Advocate for Ms. Riffi Birla, Advocate for the petitioners.

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

None for the complainant-respondents No.2 to 4.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.92 dated 23.9.2011 (Annexure-P.1) registered for the offences under Sections 365, 343, 379, 506 and 34 IPC at Police Station Arni Wala, District Fazilka and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Nafees on the allegations that the accused-petitioners collectively, wrongfully and illegally confined complainant's cousins Sehjaad alias Bhootar and Gulzar on 17.9.2011 after abducting them and they had also taken money from them. 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, Fazilka has sent report dated 10.3.2017 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 Deputy 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 petitioners 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

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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.92 dated 23.9.2011 (Annexure-P.1) registered for the offences under Sections 365, 343, 379, 506 and 34 IPC at Police Station Arni Wala, District Fazilka and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

July 18, 2017.

(Inderjit Singh)
Judge

hsp

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