

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-31155-2017

Date of decision: 23.10.2017

Krishan Kumar Mehta

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amandeep Chhabra, Advocate for
Mr. J.P.S. Brar, Advocate,
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

Mr. Vikas Bishnoi, Advocate, for
Mr. Rishu Mahajan, Advocate,
for respondent No.2.

JAISHREE THAKUR, J.(ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 47 dated 18.02.2014, under Sections 493/420 of the IPC, registered at Police Station Kotwali, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

In brief, the facts of the case are that the petitioner committed fraud by taking money from the complainant/petitioner No.2 on a false promise of marriage with her. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and a settlement/agreement (Annexure P-2) has been arrived at between the petitioner and respondent No.2.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial Court for getting their statements recorded in support of the compromise. In pursuance of the direction, a report in has been received from the Judicial Magistrate Ist Class, Bathinda stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one.

Mr. A.S. Dhaliwal, DAG, Punjab, on instructions from the Investigating Officer and learned counsel for the respondent No. 2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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 rival parties and gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, a 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.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543*, this petition is allowed and FIR No. 47 dated

18.02.2014, under Sections 493/420 of the IPC, registered at Police Station Kotwali, District Bathinda (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

23.10.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No