

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.39227 of 2016
and
Criminal Misc. No.M-35150 of 2016 (O&M)

.....

Date of decision:8.12.2017

Monika Mittal

.....Petitioner

v.

Union Territory, Chandigarh and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. S.K. Uppal, Advocate for the petitioner.

Mr. Rajiv Sharma, A.P.P., U.T. for respondent No.1.

Mr. Harinder Kumar, Advocate for the complainant-
respondents No.2 and 3.

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Inderjit Singh, J.

Cr. Misc. No.39227 of 2016:

For the reasons mentioned in the criminal application, the same is allowed and Punjab National Bank through its Chief Manager is added as respondent No.3 in the main petition and the amended memo of parties is taken on record.

Cr. Misc. No.M-35150 of 2016 (O&M):

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.343 dated 3.9.2016 (Annexure-P.1) registered for the offences under Sections 420, 467, 468 and 471 IPC at Police Station

Sector 17, Chandigarh and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-S.C. Atrish, Chief Manager, Punjab National Bank on the allegations that the accused-petitioner has cheated the Bank. 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 Chief Judicial Magistrate, Chandigarh has sent report dated 24.11.2017 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 A.P.P., U.T. Chandigarh, on instructions from the Investigating Officer and learned counsel for complainant-respondents No.2 and 3 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the U.T. 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 A.P.P., U.T. Chandigarh and learned counsel for complainant-respondents No.2 and 3 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.343 dated 3.9.2016 (Annexure-P.1) registered for the offences under Sections 420, 467, 468 and 471 IPC at Police Station Sector 17, Chandigarh and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

December 8, 2017.

(Inderjit Singh)
Judge

hsp

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