

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-36489 of 2017

.....

Date of decision:27.10.2017

Shri Om and another

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Sukhdeep Parmar, Advocate for the petitioners.

Ms. Simranjeet Kaur, Assistant Advocate General, Punjab
for the respondent-State.

Ms. Poonam Vema, Advocate for complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.122 dated 9.10.2016 (Annexure-P.2) registered for the offence under Section 82 of the Registration Act, 1908 at Police Station Kotwali Nabha, Nabha, Distt. Patiala and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

The FIR has been registered on the statement of complainants- Ashok Kumar and Anil Kumar on the allegations that the accused- petitioners and Ashok Kumar were having property disputes regarding which some civil litigation was also pending and during the pendency of that litigation, the petitioners had sold a shop and aggrieved by selling of

that shop respondent No.2 and late Ashok Kumar gave an application to the Police and on the basis of which the above mentioned FIR was got registered. 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 Sub Divisional Judicial Magistrate, Nabha has sent report dated 13.10.2017 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 Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 (legal heir of Ashok Kumar-since deceased) 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

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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.122 dated 9.10.2016 (Annexure-P.2) registered for the offence under Section 82 of the Registration Act, 1908 at Police Station Kotwali Nabha, Nabha, Distt. Patiala and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

October 27, 2017.

(Inderjit Singh)
Judge

hsp

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