

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-39395 of 2014

.....

Date of decision:31.5.2017

Jitin Gulati and others

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

(2) Criminal Misc. No.M-30060 of 2015

.....

Jasbir Singh and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Kamal Chaudhary, Advocate for the petitioners in Cr.
Misc. No.M-39395 of 2014.

Mr. Dharam Pal, Advocate for Mr. Madan Pal, Advocate for the
petitioners in Cr. Misc. No.M-30060 of 2015.

Mr. Brijesh Sharma, Assistant Advocate General, Haryana
for the respondent-State.

Mr. A.S. Brar, Advocate for the complainant.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal
miscellaneous petitions filed under Section 482 Cr.P.C. for quashing of FIR

No.491 dated 23.6.2014 registered for the offences under Sections 419, 420

and 120-B IPC at Police Station Civil Lines, Karnal and all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR has been registered on the statement of complainant-Dharam Dutt Sharma on the allegations that the accused-petitioners by hatching conspiracy 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 Judicial Magistrate Ist Class, Karnal has sent report dated 23.2.2016 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. It has been further mentioned that accused-petitioner No.2 Sandeep Arora and petitioner No.3 Abhishek Jain (in Criminal Misc. No.M-39395 of 2014) had not appeared to get their statements recorded. Hence, petition qua them is dismissed.

Learned Assistant Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for complainant 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.491 dated 23.6.2014 registered for the offences under Sections 419, 420 and 120-B IPC at Police Station Civil Lines, Karnal and all other subsequent proceedings arising out of the same are hereby quashed qua the petitioners in both the petitions. However, Criminal Misc. No.M-39395 of 2014 qua petitioners No.2 and 3 Sandeep Arora and Abhishek Jain is dismissed.

May 31, 2017.

(Inderjit Singh)
Judge

hsp

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