

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-40821 of 2017

.....

Date of decision:15.11.2017

Maninder Kumar Bhalla and another

.....Petitioners

v.

U.T., Chandigarh and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. B.S. Sudan, Advocate for the petitioners.

Mr. J.S. Toor, Standing counsel for the U.T., Chandigarh-
respondent No.1.

Mr. M.K. Tiwari, Advocate for complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.91 dated 8.5.2013 (Annexure-P.1) registered for the offence under Section 453 IPC at Police Station Sector 19, 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-Devinder Kumar Singla on the allegations that the accused-petitioners had broken open the locks put up by the complainant and trespassed into the portion of the premises of the complainant without his knowledge, permission and consent. 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 Chief Judicial Magistrate, Chandigarh has sent report dated 9.11.2017 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 standing counsel for the U.T., Chandigarh and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit that as the parties have indeed settled their dispute, therefore, the respondents 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 standing counsel for the U.T., Chandigarh 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.91 dated 8.5.2013 (Annexure-P.1) registered for the offence under Section 453 IPC at Police Station Sector 19, Chandigarh and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

November 15, 2017.

(Inderjit Singh)
Judge

hsp

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