

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

CRM-M-41444-2017
Date of Decision: 14.12.2017

Harbans Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Arpan Sabharwal, Advocate
for the petitioner.

Mr. A. S. Gill, Sr. DAG, Punjab.

Mr. Rahul Jaswal, Advocate
for respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 461 dated 21.11.1999, registered under Sections 192, 195, 211, 464, 465, 468, 471 and 120-B of the Indian Penal Code at Police Station Civil Lines, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

Keeping in view the fact that the parties have entered into a compromise, by an order dated 06.11.2017, they were directed to appear before the trial Court for getting their statements recorded in support of the compromise. Since the FIR in question pertains to the year 1999 and the case was fixed at the stage of prosecution evidence, the petitioner was directed to pay the cost of Rs. 25,000/-, to be deposited with the District Legal Services Authority, Ludhiana.

In pursuance of the direction issued on 06.11.2017, report dated 14.11.2017 has been received from the Additional Chief Judicial Magistrate, Ludhiana and as per this report, the petitioner has deposited the cost of Rs. 25,000/- on 10.11.2017. The trial Court has recorded the statement of complainant Maninderjit Singh who was identified by his counsel representing him in the trial Court. The complainant has stated that he has compromised the matter with accused Harbans Singh, petitioner herein. It is further stated that he has already compromised the matter with co-accused Pritpal Singh. The complainant has produced on record the compromise, Ex. PB, and stated that he has no objection in case the FIR in question is quashed. Trial Court has also recorded the statement of the petitioner, aged 75 years, who was identified by the counsel representing him in the trial Court and acknowledged the compromise. In view of the statements of the petitioner as well as complainant-Maninderjit Singh, the trial Court has submitted its report stating therein that the complainant has no objection in quashing of the FIR as the compromise is without any pressure, inducement or coercion from any one on the complainant. It is also reported that accused is not a proclaimed offender and there is no other case against him.

Learned counsel for the petitioner has relied upon the order dated 09.12.2016 passed in **CRM-M-28463-2016**, filed by co-accused Pritpal Singh, in which, on the basis of the compromise, the FIR qua him was quashed.

I have heard learned counsel for the parties and gone through the paper-book as well as statements of the parties and report of the trial Court.

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, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others vs. State of Punjab and another*, 2007 (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in *Gian Singh vs. State of Punjab and others*, (2012) 10 SCC 303, this petition is allowed and FIR No. 461 dated 21.11.1999, registered under Sections 192, 195, 211, 464, 465, 468, 471 and 120-B of the Indian Penal Code at Police Station Civil Lines, District Ludhiana (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner herein.

14.12.2017

Waseem Ansari(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No