

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-44460 of 2016

.....

Date of decision:3.5.2017

Simarjit Kaur alias Simar Kaur

.....Petitioners

v.

State of Punjab and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. J.S. Bhullar, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Abhimanyu Vinayak, Advocate for the 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.113 dated 19.7.2005 (Annexure-P.1) registered for the offences under Sections 452, 420 and 182 IPC at Police Station Lambra, District Jalandhar and all subsequent proceedings arising therefrom in view of the compromise/affidavit (Annexure-P.8).

The FIR has been registered on the statement of complainant-Manjit Singh on the allegations that the accused-petitioner along with Piara Singh, Jasmail Singh, Karnail Singh, Joginder Singh, Harnek Singh entered into his house and stole away his house hold articles. It has been mentioned

in the petition that the petitioner is staying in England for the last about 50 years along with her family. When the petitioner used to come to India, she used to stay in her ancestral house at Village Chitti, P.S. Lambra, District Jalandhar. In the said village, the relatives of the petitioner, namely, Piara Singh, Jasmail Singh, Surinder Kaur were also residing. Due to the dispute of the complainant with Piara Singh, the petitioner has also been named in the FIR. 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, Jalandhar has sent his report dated 18.3.2017 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 complainant-respondent No.2 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 Assistant Advocate General, Punjab 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

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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.113 dated 19.7.2005 (Annexure-P.1) registered for the offences under Sections 452, 420 and 182 IPC at Police Station Lambra, District Jalandhar and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

May 3, 2017.

(Inderjit Singh)
Judge

hsp

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