

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-9455 of 2016

.....

Date of decision:30.3.2017

Rohit Kumar and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Rajesh Kapila, Advocate for the petitioners.

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

None 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.13 dated 15.2.2016 (Annexure-P.1) registered for the offences under Sections 452, 323, 380, 427 and 34 IPC at Police Station City Gurdaspur, District Gurdaspur and all subsequent proceedings arising therefrom in view of the affidavit/compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Ajay Kumar on the allegations that the accused-petitioners forcibly entered in his shop and after giving beatings, took away ₹54,000/- from the drawer of the shop and damaged the glass and PCO Cabin of his shop. 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, Gurdaspur has sent his report dated 3.3.2017 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 admits the factum of compromise and submits 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 petitioners 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 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.13 dated 15.2.2016 (Annexure-P.1) registered for the offences under Sections 452, 323, 380, 427 and 34 IPC at Police Station City Gurdaspur, District Gurdaspur and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

March 30, 2017.

(Inderjit Singh)
Judge

hsp

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