

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-14866 of 2017

.....

Date of decision:13.7.2018

Prem Kumar

.....Petitioner

v.

State of Punjab and others

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sandeep Vema, Advocate for the petitioner.

Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab
for the respondent-State.

None for the complainant-respondents.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.183 dated 1.9.2016 (Annexure-P.1) registered for the offences under Sections 406 and 420 IPC at Police Station Samrala, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Kesar Singh on the allegations that the accused-petitioner has cheated the complainant and other farmers of the area, who used to sell their crop to 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 Sub Divisional Judicial Magistrate, Samrala has sent report dated 7.6.2018 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 Senior Deputy 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 petitioner 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

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petition is allowed and FIR No.183 dated 1.9.2016 (Annexure-P.1) registered for the offences under Sections 406 and 420 IPC at Police Station Samrala, District Ludhiana and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

July 13, 2018.

(Inderjit Singh)
Judge

hsp

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