

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-39869 of 2018

.....

Date of decision:20.03.2019

Anil Johar

.....Petitioner

v.

State of Haryana and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Viney Saini, Advocate for the petitioner.

Mr. Chetan Sharma, Assistant Advocate General, Haryana
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.301 dated 28.12.2017 registered for the offences under Sections 406, 420, 467, 468 and 471 IPC at Police Station Mullana, District Ambala and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.1).

The FIR has been registered on the statement of complainant-Dinesh Kumar on the allegations that the accused-petitioner has cheated 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 Additional Chief Judicial Magistrate, Ambala has sent report dated 25.2.2019 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, Haryana, on instructions from the Investigating Officer 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 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 petition is allowed and FIR No.301 dated 28.12.2017 registered for the offences under Sections 406, 420, 467, 468 and 471 IPC at Police Station

Mullana, District Ambala and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

March 20, 2019.

(Inderjit Singh)
Judge

hsp

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