

212.

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-35754-2021 IN/AND

CRM-M-5154-2020

Date of Decision: 17.11.2021

KULWANT SINGH AND OTHERS

.... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Dheeraj Mahajan, Advocate, for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Akash Deep Sethi, Advocate, for respondent No.2.

JAISHREE THAKUR.J (Oral)

CRM-35754-2021

Prayer in this application filed under Section 482 Cr.P.C. is for preponement of the main petition, which is otherwise fixed for hearing on 15.12.2021.

For the reasons stated in the application, same is allowed. The hearing of the petition is preponed and the same is taken on board today itself.

CRM-M-5154-2020

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.51, dated 06.07.2016,

registered under Sections 419, 420, 465, 467, 468, 471 of IPC at Police Station Division No.1, Tehsil and District Pathankot (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2)

The aforesaid FIR has been registered on the statement of complainant/respondent No.2-Roshan Singh. 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 the trial Court/Illaq Magistrate for getting their statements recorded in support of the compromise.

In pursuance of the direction, a report has been received from the learned Additional Chief Judicial Magistrate, Pathankot stating that the compromise is genuine and has been effected between the parties without any pressure, fraud or force.

Learned counsel appearing on behalf of respondent-State on instructions from the Investigating Officer and learned counsel for the respondent No.2 admit the factum of compromise. Learned State counsel would 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 and have gone through the record.

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, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466*, this petition is allowed and FIR No.51, dated 06.07.2016, registered under Sections 419, 420, 465, 467, 468, 471 of IPC at Police Station Division No.1, Tehsil and District Pathankot (Annexure P-1) and all consequential proceedings arising therefrom, is quashed qua petitioners.

(JAISHREE THAKUR)
JUDGE

17.11.2021

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No