

264 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-6967-2023 (O&M)

Date of Decision: 12.12.2023

KEWAL KRISHAN AND ANOTHER

...Petitioner

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Ravisha Mahajan, Advocate
for Mr. Vikas Bali, Advocate for the petitioners.

Mr. Madhur Sharma, AAG Punjab.

Mr. J.P. Jangu, Advocate for respondents No. 2 to 4.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 189 dated 06.09.2022, registered under Sections 420, 467, 468, 471 and 120-B of Indian Penal Code at Police Station Sarabha Nagar, Police Commissionerate, Ludhiana and all subsequent proceedings arising therefrom, in view of the compromise dated 18.01.2023 (Annexure P-2).

2. The FIR has been registered on the statement of complainant-Sumit Singal-respondent No. 2 on the allegations that the petitioners have misappropriated the amount from the various account numbers which were in the joint names as well as in the individual name of Late Darshan Lal @ Darshan Kumar Goyal and Others by preparing certain forged documents and have also withdrawn the amount from the said accounts. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and

differences.

3. 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 dated 20.11.2023 has been received from Chief Judicial Magistrate, Ludhiana stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer and learned counsel for respondents No. 2 to 4 admitted 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.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The parties have arrived at a compromise and settled their dispute. 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. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when

parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

7. 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 and Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Cr1.) 1052**, this petition is allowed and FIR No. 189 dated 06.09.2022, registered under Sections 420, 467, 468, 471 and 120-B of Indian Penal Code at Police Station Sarabha Nagar, Police Commissionerate, Ludhiana and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

12.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No