

265 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-44750-2023

Date of decision: 07.12.2023

ARVINDER SINGH ALIAS PINDA

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajan Singh Dadwal, Advocate for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Vishal Sheoran, Advocate for

Mr. Suraj Kaundal, Advocate respondent No.2.

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.139 dated 02.08.2022 registered under Sections 454 and 380 IPC (Section 411 IPC added later on) of Indian Penal Code at Police Station Jagraon, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise deed dated 18.08.2023 (Annexure P-3).

2. The FIR registered on the statement of complainant-respondent No.2 that on 01.08.2022, in the noon, he along with his family went to Chandigarh and when he came back home, he found that in his absence, 18 tolas and 3,00,000/- rupees had been stolen by the petitioner-Arvinder Singh in connivance with each other. 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 10.10.2023 has been received from Sub Divisional Judicial Magistrate, Jagraon 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 respondent No. 2 admitted the factum of compromise and submitted 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.....”

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7. A perusal of the report sent by Sub Divisional Judicial Magistrate, Jagraon, indicates that respondent No.2, who is the complainant in the present FIR has made the statement in terms of the compromise effected between the parties.

8. 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 (Crl.) 1052**, this petition is allowed and FIR No.139 dated 02.08.2022 registered under Sections 454 and 380 IPC (Section 411 IPC added later on) of Indian Penal Code at Police Station Jagraon, District Ludhiana and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

(HARPREET SINGH BRAR)
JUDGE

December 07, 2023
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(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No