

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

VARGHESE SEBASTIAN

V/S

STATE OF HARYANA AND ANOTHER

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

2. Ms. Jasleen Kaur, Advocate for Mr. Sandeep Singh, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney which is taken on record. Registry is directed to tag the same at the appropriate place.

3. Short reply dated 16.12.2023 by way of affidavit of Veer Singh, HPS, Deputy Superintendent of Police, City, Karnal on behalf of respondent

No.1-State has been filed and the same is taken on record.

4. The FIR has been registered on the statement of complainant-respondent No.2 on the allegations that on the pretext of sending his younger brother to Canada, by way of showing forged offer letter and forged visa, the petitioner played fraud upon the complainant and extracted money. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

5. 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 learned Chief Judicial Magistrate, Karnal stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

6. Learned State counsel on instructions from the Investigating Officer and learned counsel for the respondent No.2 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.

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

8. 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. 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.....”

9. 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.516 dated 24.06.2023 registered under Section 406, 420, 467, 468, 471, 120-B of Indian Penal Code at Police Station Karnal City, District Karnal (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioner.

December 19, 2023
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No