

CRM-M-56431-2023
Date of decision: 19.12.2023

....Petitioners

...Respondents

Mr. Akshay Bansal, Advocate
for respondent No.2.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.29 dated 14.03.2019 under Sections 420/467/468/471/120-B of IPC registered at Police Station Sarabha Nagar, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 21.08.2023 (Annexure P-2).

On asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Lovepreet, Advocate for Mr. Akshay Bansal, Advocate puts in appearance and accepts notice on behalf of respondent No.2 and files his power of attorney in the Court today which is taken on record. Registry is directed to tag the same at an appropriate place in the file.

In view of the compromise arrived at between the parties, let the parties appear before the trial Court/Area Magistrate, as the case may be, within a period of 15 days from today for getting their statements recorded with regard to the compromise. Trial Court is directed to report on the following points:-

- (i) how many total accused are facing the trial;*
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iii) status/stage of the trial/case;*
- (iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- (v) to record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above.*

Report be sent through District and Sessions Judge, before the next date of hearing.

For awaiting report, adjourned to 19.12.2023.

To be shown in the urgent list.'

3. In pursuance of the aforementioned order, a report has been received from Judicial Magistrate 1st Class, 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. The learned State counsel on instructions from the Investigating Officer and learned counsel for the complainant-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.

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

6. In a decision, based on compromise, 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 (Crl.) 1052**, this petition is allowed and FIR No.29 dated 14.03.2019 under Sections 420/467/468/471/120-B of IPC registered at Police Station Sarabha Nagar, Ludhiana (Annexure P-1) and all subsequent proceedings arising out of the same are quashed *qua* petitioners.

(HARPREET SINGH BRAR)
JUDGE

19.12.2023

<i>Neha</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No