

2024:PHHC:088908



289.

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

CRM-M-21207-2024

Date of decision: 16.07.2024

Gurdeep Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Raghav Goyal Chandiwalla, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab, for respondent No.1.

Mr. Amrit Singh Kang, Advocate, for respondent No.2.

GURBIR SINGH, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.81, dated 23.04.2022, under Sections 406, 420, 120-B, 465, 468, 471 of IPC and Section 24 of Immigration Act, registered at Police Station Phase-1, District SAS Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 17.03.2023 (Annexure P-2).

2. This Court, vide order dated 30.04.2024, had directed the parties to appear before the Illaqa Magistrate/trial to get their statements recorded and the learned Magistrate was directed to send the report qua the genuineness of the compromise.

3. In compliance thereof, report dated 15.06.2024 from learned Chief Judicial Magistrate-cum-Additional Civil Judge (Senior Division), SAS Nagar, Mohali, has been received through the District & Sessions Judge, SAS Nagar, with statements of the parties, in which, it has been mentioned that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

4. Learned counsel appearing on behalf of respondent No.2-complainant has not disputed the factum of compromise.

5. Learned State counsel submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR.

6. I have heard learned counsel for the parties and have gone through the record.

7. The present FIR was registered against two persons i.e. petitioner and Harpreet Kaur with whom no compromise has been effected. Vide compromise deed dated 17.03.2023, the matter has been compromised between the complainant-Himanshu Tyagi through his father as GPA and the petitioner through his father-Harvinder Singh.

7.1 In view of above since the matter has been compromised between the parties, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R. qua the petitioner.

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.

9. Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and FIR No.81, dated 23.04.2022, under Sections 406, 420, 120-B, 465, 468, 471 of IPC and Section 24 of Immigration Act, registered at Police Station Phase-1, District SAS Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising therefrom are quashed, qua the petitioner, on the basis of compromise dated 17.03.2023 (Annexure P-2).

(GURBIR SINGH)
JUDGE

July 16, 2024
sanjeev

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No