

CRM-M-51383-2021
Date of Decision: 28.08.2024

Versus

State of Punjab and another ...Respondents

Present: Mr. PPS Duggal, Advocate
for the petitioners.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

None for respondent No.2.

GURBIR SINGH, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.56 dated 14.04.2021 under Sections 420/120-B of IPC 1860 and Section 13 of Punjab Travel Professional Act registered at Police Station Shahkot, District Jalandhar (Annexure P-1) and all subsequent proceedings on the basis of compromise/affidavit dated 07.09.2021 (Annexure P-2).

2. This Court, vide order dated 09.05.2022 had directed the parties to appear before the trial Court/Duty Magistrate 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 23.04.2024 from learned Judicial Magistrate Ist Class, Nakodar has been received through the District &

Sessions Judge, Jalandhar 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 for the petitioners submits that FIR No.56 dated 14.04.2021 was registered on the complaint made by Jyoti Thapar, who unfortunately expired later on 16.08.2020 before the registration of the FIR in question and her sister namely Raj Kumari wife of Gulshan Kumar being her legal heir appeared before the trial Court and suffered statement that she has no objection if the present FIR may be quashed.

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. 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.

8. 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.56 dated 14.04.2021 under Sections 420/120-B of IPC 1860 and Section 13 of Punjab Travel Professional Act

registered at Police Station Shahkot, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affdiavit dated 07.09.2021 (Annexure P-2).

28.08.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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