

CRM-M-50604-2019

251 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-50604-2019

Date of Decision: 10.01.2024

NITIN SHARMA

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Om Malhan, Advocate for
Mr. Nakul Sharma, Advocate
for the petitioner.

Mr. Aditya Kapoor, AAG Punjab.

Mr. Raghav Pujjal, Advocate for 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. 13 dated 23.01.2019 registered under Section 420 of Indian Penal Code at Police Station Guruharsahai, District Ferozepur and all subsequent proceedings arising therefrom in view of the compromise dated 22.11.2019 (Annexure P-2).

2. The FIR has been registered on the statement of complainant-Dharamjit Singh- respondent No. 2 on the allegations that he is a partner of M/s Gian Autos, G.T. Road, Ferozepur Cantt. and the aforesaid Firm has opened service stations in different areas to provide service to the customers. One such service station had been opened at M/s B.S. Auto, Faridkot Road, Guruharsahai and proprietorship of which was given the petitioner. But he was not following the regulations of the company and despite telling him, many times, he did not draw any attention and ultimately his services were terminated on 11.09.2018. He was informed

regarding his termination through e-mail, but in spite of his removal from the company, he kept on using the Board of the Firm of the complainant company only to commit fraud with the people. 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 has been received from Sub Divisional Judicial Magistrate, Gurusahai 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.....*”

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. 13 dated 23.01.2019 registered under Section 420 of Indian Penal Code at Police Station Guruharsahai, District Ferozepur and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

10.01.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

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