

CRM-M-61617-2023
Date of decision: 22.01.2024

...PETITIONER

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.228 dated 14.09.2022 registered under Sections 406, 420 and 120-B of Indian Penal Code at Police Station Sahazadpur, District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-5).

2. The FIR has been registered on the statement of complainant on the allegations that the petitioner purchased land from him of Rs.67,93,883/- but he paid only Rs.48,07,933 and did not pay the balance amount i.e. Rs.19,85,950/-. In this way, the petitioner cheated the complainant. 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. In view of the resolution passed by Bar Association of Punjab and Haryana High Court, there is no representation on behalf of the parties but perusal of the pleadings indicates that the compromise has been effected between the parties.

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4. 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 Judicial Magistrate Ist Class, Naraingarh, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

5. 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.....”

6. 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.228 dated 14.09.2022 registered under Sections 406, 420 and 120-B of Indian Penal

January 22, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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