
(2014) 04 P&H CK 0025

In the Punjab And Haryana At Chandigarh

Case No : Criminal Misc. No. M-26506 of 2013

Bhupinder Singh and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 04-04-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 406, 420

Citation : (2014) 04 P&H CK 0025

Hon'ble Judges : Inderjit Singh, J

Bench : Single Bench

Advocate : J.B.S. Gill, Advocate for the Appellant; K.S. Aulakh, Assistant Advocate General for State and Ms. Amandeep Kaur, Advocate for Complainant-Respondent No. 2, Advocate for the Respondent

Final Decision : Allowed

Judgement

Inderjit Singh, J.—This petition has been filed u/s 482 Cr.P.C. praying for quashing of FIR No. 38 dated 25.2.2013 (Annexure-P. 1) registered for the offences under Sections 406 and 420 IPC at Police Station Dasuya, District Hoshiarpur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P. 2). The FIR has been registered on the statement of complainant-Amar Singh on the allegations that the petitioners had cheated him on the pretext of sending his grand-son Sandeep Singh abroad. The matter was settled for Rs. 8,50,000/-. At the time of talk, the petitioner gave Rs. 1 Lac to Bhupinder Singh son of Harbhajan Singh and the passport was handed over to Mohan Singh son of Harbhajan Singh. On their demand, he further deposited money on different occasions. In this way, he had given Rs. 8,50,000/- to the accused for sending his grand-son Sandeep Singh abroad. Sandeep Singh was sent to Malaysia where Mohan Singh kept him with him. After three months, Mohan Singh sent his grand-son Sandeep Singh to Delhi from Malaysia and after keeping him for few days at Delhi sent him back to home. In this way, the accused-petitioners have cheated him. Now with the intervention of the

respectables of the Village and relatives of the parties, the parties have entered into a compromise and the monetary dispute between respondent No. 2 and the petitioners has since been settled amicably and voluntarily. Now nothing is due against the petitioners. Both the parties are living peacefully and harmoniously. The above said compromise is for the welfare of both the parties.

2. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned Illaqa Magistrate for getting their statements recorded in support of the compromise. After doing the needful, learned Sub Divisional Judicial Magistrate, Dasuya has sent her report dated 4.9.2013 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant Amar Singh has stated that the matter has been compromised without any pressure and coercion and he does not want to proceed further with this case and he has no objection if the FIR is quashed.

3. Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for 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.

4. I have gone through the record and have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No. 2.

5. In a decision, based on compromise, none of the parties is a loser. Rather, 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. The Hon"ble Supreme Court in Gian Singh Vs. State of Punjab and Another, , has held that the inherent jurisdiction of this Court u/s 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable. Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), this petition is allowed and FIR No. 38 dated 25.2.2013 (Annexure-P. 1) registered for the offences under Sections 406 and 420 IPC at Police Station Dasuya, District Hoshiarpur and all subsequent proceedings arising out of the same are hereby quashed.