
(2014) 03 P&H CK 0020

In the Punjab And Haryana At Chandigarh

Case No : Criminal Misc. No. M-10861 of 2013 (O&M)

Monika Bhardwaj Alias Monika Keeble

APPELLANT

Vs

U.T., Chandigarh and Another

RESPONDENT

Date of Decision : 21-03-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 34, 380, 452, 511

Citation : (2014) 03 P&H CK 0020

Hon'ble Judges : Inderjit Singh, J

Bench : Single Bench

Advocate : Sunder Singh, Advocate for the Appellant; Ashima Mor, Additional Public Prosecutor for Respondent-U.T., Chandigarh, Mr. R.C. Chaudhary, 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. 68 dated 23.3.2012 registered for the offences under Sections 452, 380, 511 and 34 IPC at Police Station Sector 19, Chandigarh and all subsequent proceedings arising therefrom in view of the compromise dated 16.5.2012 (Annexure-P.4). The FIR has been registered on the statement of complainant-Ramesh Kumar Madan, who is tenant of the father of the petitioner, as dispute arose between respondent No. 2 and the father of the petitioner on account of tenancy of House No. 3261, Sector 21-D, Chandigarh, the annexee portion of which was let out to respondent No. 2. Respondent No. 2 lodged a complaint to the Police due to some misunderstanding. The petitioner upon knowledge of the complaint of respondent No. 2, made a written complaint dated 27.3.2012 to S.S.P., Chandigarh against respondent No. 2. During the investigation of the complaints of the petitioner and respondent No. 2, both the parties have arrived at compromise vide compromise dated 16.5.2012 with the intervention of common friends and the dispute has amicably been settled.

2. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned Chief Judicial Magistrate, Chandigarh for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate has sent his report dated 6.3.2014 submitting that the compromise arrived at between the parties is without any pressure, threat or coercion from any one and the same is genuine one. Complainant Ramesh Kumar Madan stated that he has compromised the matter with the petitioner with his free will and without any pressure from any corner and he has no objection if the aforesaid FIR is quashed.

3. Learned Additional Public Prosecutor, U.T., Chandigarh, 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 U.T. 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 Additional Public Prosecutor, U.T., Chandigarh and learned counsel for the 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 dispute/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. 68 dated 23.3.2012 registered for the offences under Sections 452, 380, 511 and 34 IPC at Police Station Sector 19, Chandigarh and all subsequent proceedings arising out of the same are hereby quashed.