

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-11487 of 2014

.....

Date of decision:20.1.2015

Jaswant Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

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(2) Criminal Misc. No.M-42688 of 2014

.....

Lal Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. K.S. Rekhi, Advocate for the petitioners in Cr.
Misc. No.M-11487 of 2014 and for respondents No.2 to
5 in Cr. Misc. No.M-42688 of 2014.

Mr. Satish Jaswal, Advocate for the petitioners in Cr. Misc.
No.M-42688 of 2014 and for respondent No.2 in Cr. Misc.
No.M-11487 of 2014.

Mr. Amarinder Singh Klar, Assistant Advocate General,
Punjab for the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal
miscellaneous petitions i.e. Criminal Misc. No.M-11487 of 2014 filed by

Jaswant Singh etc. under Section 482 Cr.P.C. for quashing of FIR No.197 dated 10.9.2013 registered for the offences under Sections 323, 324, 148 and 149 IPC and (Sections 325 and 326 IPC, which were added later on) at Police Station Beas, District Amritsar and Criminal Misc. No.M-42688 of 2014 filed by Lal Singh etc. for quashing of Rapat No.28 dated 13.9.2013 registered for the offences under Sections 325, 324, 323 and 34 IPC in FIR No.197 dated 10.9.2013 and all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR and the cross-case (Rapat) were got registered against each other by the petitioners of both the petitions as dispute arose as a result of fight between the parties in which injuries were received by both the parties. This is a case of version and cross-version. Now with the intervention of respectable persons from both sides and in order to save the precious time of the Court, the matter has been amicably settled between them and compromise has been effected, in which both the parties have stated that they have no grudge against each other and have no objection if the FIR and Rapat are quashed.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned Chief Judicial Magistrate, Amritsar for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate, Amritsar has sent her report dated 3.5.2014 in Criminal Misc. No.M-11487 of 2014 and learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar has sent his report dated 16.1.2015 in

Criminal Misc. No.M-42688 of 2014 submitting that the compromises arrived at between the parties are without any pressure or coercion from any one and the same are genuine. Complainant Lal Singh in Cr. Misc. No.11487 of 2014 and complainant Karam Singh in Cr. Misc. No.M-42688 of 2014 have stated that they have effected compromise with accused/petitioners out of their free will and willful consent and there is no pressure upon them and they have no objection if the above said FIR and Rapat are quashed.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainants 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 and Rapat in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and have gone through the record.

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 v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, has held that the inherent jurisdiction of this Court under Section 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), these petitions are allowed and FIR No.197 dated 10.9.2013 registered for the offences under Sections 323, 324, 148 and 149 IPC and (Sections 325 and 326 IPC, which were added later on) at Police Station Beas, District Amritsar and Rapat No.28 dated 13.9.2013 registered for the offences under Sections 325, 324, 323 and 34 IPC in FIR No.197 dated 10.9.2013, and all other subsequent proceedings arising out of the same are hereby quashed.

November 20, 2015.

(Inderjit Singh)
Judge

hsp