

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-14739 of 2014

.....

Date of decision:28.1.2015

Kalu and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Satish Chaudhary, Advocate for the petitioners.

Mr. S.S. Chandumajra, Deputy Advocate General, Punjab for
the respondent-State.

None for complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C.
praying for quashing of FIR No.104 dated 2.11.2013 (Annexure-P.1)
registered for the offences under Sections 323, 324, 452, 427, 148 and 149
IPC at Police Station Begowal, District Kapurthala and all subsequent
proceedings arising therefrom in view of the compromise dated 4.3.2014
(Annexure-P.2).

The FIR has been registered on the statement of complainant-
Munni as the accused-petitioners by trespassing into his house attacked
him and inflicted injuries with their respective weapons. Now with

intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their dispute.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate, Kapurthala has sent his report dated 17.1.2015 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 Munni has stated that he has compromised the matter with accused-petitioners voluntarily, without any pressure, threat or coercion and has no objection if the FIR is quashed.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer admits the factum of compromise and submits 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.

I have heard learned counsel for the petitioners as well as learned Deputy 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

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criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, wherein it has been 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, this petition is allowed and FIR No.104 dated 2.11.2013 (Annexure-P.1) registered for the offences under Sections 323, 324, 452, 427, 148 and 149 IPC at Police Station Begowal, District Kapurthala and all subsequent proceedings arising out of the same are hereby quashed.

January 28, 2015.

(Inderjit Singh)
Judge

hsp