

CRM-M-15363 of 2014
Date of Decision: 19.02.2015

RANJIT SINGH AND OTHERS Petitioners

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ashok Giri, Advocate
for the petitioners.

Mr. Deepak Garg, AAG, Punjab.

Mr. Maninder Singh, Advocate
for respondents No.2 and 3.

LISA GILL J. (ORAL)

Petitioners who are the accused in FIR No.44 dated 16.04.2012 under Sections 307/323/324/452/120-B /148/149 IPC registered at Police Station Goraya, District Jalandhar pray for quashing of the said FIR on the basis of settlement arrived at between the parties on 28.04.2014.

It is submitted that petitioners No.1 to 3 and respondents No.2 and 3 are immediate neighbours. In order to maintain cordial relations, the matter has been settled between them and respondents No.2 and 3 do not wish to pursue the criminal proceedings against the petitioners any longer.

It is further submitted that the offence punishable under Section 307 of IPC is not made out qua the petitioners. As per the statement of Dr. Ravinder Singh, who conducted the medico-legal examination of Gurdeep Singh, injury which has been inflicted on the head of complainant Gurdeep Singh-respondent No.2 is an old injury.

In view of the matter, it cannot be said that the offence punishable under Section 307 of IPC is made out qua the petitioners.

Furthermore, in view of the settlement arrived at, no useful purpose shall be served by keeping these proceedings pending.

This Court on 06.05.2014 had directed the parties to appear before the trial Court on 29.05.2014 for having their statements recorded. The trial Court was directed to submit a report regarding genuineness and voluntary nature of the compromise and also if any of the petitioner/accused is proclaimed offender.

Persuant thereto, report dated 09.06.2014 has been received from the Additional District and Sessions Judge, Jalandhar wherein it is observed that the settlement arrived at between the parties i.e. the complainant eye-witness and the accused is genuine and voluntary.

It is mentioned that one of the accused Jaspreet Singh @ Jassa is a proclaimed offender in this case. However, learned counsel for the State on instructions from ASI, Surjit Singh informs that Jaspreet Singh @ Jassa was found innocent during investigation and was not challaned.

Learned counsel for respondents No.2 and 3 on instructions from the respondents, who are present in Court, submits that they have no objection to the quashing of the above mentioned FIR in view of the settlement arrived at between them. They do not wish to pursue the proceedings in order to maintain peace and harmony.

Undoubtedly, an FIR in regard to a non-compoundable offence cannot be quashed on the basis of settlement as such. However, apart from the fact that injury on the head of complainant Gurdeep Singh is mentioned to be an old injury, it is to be noted that petitioners No.1 to 3 and respondents No.2 and 3 are immediate neighbours and they wish to maintain peace and harmony among themselves. In this situation, no useful purpose

shall be served by continuing the proceedings against the petitioners.

In "**Kulwinder Singh and Others Vs. State of Punjab 2007 (3)**

RCR (CrI) 1052", a five member Bench of this Court has observed as under:-

"The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, it turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice".

In view of the above, it would be in the interest of justice to quash the abovesaid petitions as no useful purpose will be served by continuing the present proceedings. It will only lead to wastage of the precious time of the Court and would be an exercise in futility as chances of conviction of the accused are absolutely bleak.

Petition is, thus, allowed and FIR No.44 dated 16.04.2012 registered under Sections 307/323/324/452/120-B/148/149 IPC at Police Station Goraya, District Jalandhar and all consequential proceedings emanating, therefrom, are hereby quashed in the interest of justice.

February 19, 2015
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(LISA GILL)
JUDGE