

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-18625 of 2014 (O&M)

.....

Date of decision:30.1.2015

Maninder Sharma

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Present: Mr. J.S. Dadwal, Advocate for the petitioner.

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

None for respondents No.2 and 3.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.176 dated 28.7.2010 (Annexure-P.1) registered for the offences under Sections 307, 323, 324, 379, 148, 149 and 506 IPC at Police Station Shimlapuri, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise dated 27.3.2014 (Annexure-P.2).

The FIR has been registered on the statement of complainant-Pardeep Kumar on the allegations that the accused-petitioner had received ₹6 Lacs for sending him abroad, but neither he sent him abroad nor returned his money. On 27.7.2010 at 10.00 a.m., he called him to his house in order to return money, but he did not find him in his house and

called the complainant to Dushehra ground, where he along with his companions inflicted injuries to the complainant with sword and 'Kirpans'.

Learned counsel for the petitioner argued that no injury has been declared dangerous to life and the parties now with intervention of friends, elders and respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

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 Additional Sessions Judge, Ludhiana, has sent his report dated 27.1.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. The petitioner, his brother and 10/12 unidentified persons were arrayed as accused in the present FIR. However, report under Section 173 Cr.P.C. was presented against Maninder Sharma-petitioner only.

Learned Assistant 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 petitioner 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.

Therefore, keeping in view the fact that the matter has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.176 dated 28.7.2010 (Annexure-P.1) registered for the offences under Sections 307, 323, 324, 379, 148, 149 and 506 IPC at Police Station Shimlapuri, District Ludhiana and all subsequent proceedings arising out of the same are hereby quashed.

January 30, 2015.

(Inderjit Singh)
Judge

hsp