

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-22610 of 2015

.....

Date of decision:10.12.2015

Kulwinder Singh alias Binda and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Naveen Batra, Advocate for the petitioners.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

None for complainant-respondent No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.35 dated 20.4.2015 (Annexure-P.1) registered for the offences under Sections 379, 342, 427, 506 and 149 IPC at Police Station Chamkaur Sahib, District Rupnagar and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Prem Lal on the allegations that the accused-petitioners along with 20-25 unidentified persons with the help of combine machine were cutting the wheat and on looking them they started hurling abuses and drew weapons on them and confined in the room of 'Kothi' of owner of the land and snatched their phones. Satpal, Ex-Sarpanch of Rahimabad Kalan, District Ludhiana got them free from the room. Now with intervention of

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 Chief Judicial Magistrate, Rupnagar has sent his report dated 2.12.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

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 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.

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.35 dated 20.4.2015 (Annexure-P.1) registered for the offences under Sections 379, 342, 427, 506 and 149 IPC at Police Station Chamkaur Sahib, District Rupnagar and all subsequent proceedings arising out of the same are hereby quashed.

December 10, 2015.

(Inderjit Singh)
Judge

hsp