

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-26349 of 2015

.....

Date of decision:8.12.2015

Kuldip Singh Boparai and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Vaibhav Sehgal, Advocate for the petitioners.

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

Mr. Atul Goel, Advocate 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.106 dated 17.7.2015 (Annexure-P.1) registered for the offences under Sections 307, 384, 511, 353, 186, 427, 506, 283, 148 and 149 IPC at Police Station Model Town, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

Learned counsel for the petitioners argued that no injury dangerous to life has been attributed to any of the petitioners as it is a no injury case.

The FIR has been registered on the statement of complainant-Dr. Baldeep Singh, who is owner of Deep Hospital, Ludhiana, on the allegations that the accused-petitioners blocked the road leading to the hospital and attacked the Police and caused obstruction in the performance

of their duties. The petitioners kept on turning violent and while taking the help of mob caused danger to the lives of the staff of the complainant by attacking, blackmailing them with the intention to forcibly acquire by obstructing the gates and by breaking things and jamming the road. They caused danger to the lives of patients and their staff by stopping their ambulances and also caused obstruction in the performance of duties of Police and pelted stones on their hospital by blocking the gates, with the intention to kill the patients admitted in their hospital. 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 Judicial Magistrate Ist Class, Ludhiana has sent his report dated 10.11.2015 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 and learned counsel for the complainant-respondent No.2 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 in view of the law laid down by the Hon'ble Supreme Court.

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I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for the complainant- respondent No.2 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.106 dated 17.7.2015 (Annexure-P.1) registered for the offences under Sections 307, 384, 511, 353, 186, 427, 506, 283, 148 and 149 IPC at Police Station Model Town, District Ludhiana and all subsequent proceedings arising out of the same are hereby quashed.

December 8, 2015.

(Inderjit Singh)
Judge

hsp