

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-28546 of 2015

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Date of decision:30.9.2015

Veer Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

(2) Criminal Misc. No.M-28703 of 2015

.....

Kala Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Puneet Kumar Bansal, Advocate for the petitioners in Cr. Misc. No.M-28546 of 2015 and for the complainant in Cr. Misc. No.M-28703 of 2015.

Mr. Manu Loona, Advocate for the petitioners in Cr. Misc. No.M-28703 of 2015 and for the complainant in Cr. Misc. No.M-28546 of 2015.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab for the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal miscellaneous petitions filed under Section 482 Cr.P.C. for quashing of FIR

No.236 dated 17.9.2009 registered for the offences under Sections 336, 324, 323, 148 and 149 IPC and cross-version recorded in the above FIR at Police Station Sadar Fazilka, District Fazilka as well as all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR and the cross-version were got registered against each other by the petitioners of both the petitions as dispute arose as a result of fight between the parties in which injuries were received by both the parties. This is a case of version and cross-version. Now with the intervention of common friends and respectable persons of the society and the Panchayat, both the parties have arrived at an amicable settlement and the matter has been compromised and they have buried the enmity between them and have started to live in the brotherhood.

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 Iast Class, Fazilka has sent his two reports dated 21.9.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainants 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 and the cross-version 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 criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

The Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, has 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. Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), these petitions are allowed and FIR No.236 dated 17.9.2009 registered for the offences under Sections 336, 324, 323, 148 and 149 IPC and cross-version recorded in the above FIR at Police Station Sadar Fazilka, District

Fazilka as well as all other subsequent proceedings arising out of the same are hereby quashed.

September 30, 2015.

(Inderjit Singh)
Judge

hsp