

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-30604 of 2015

.....

Date of decision:26.11.2015

Harpreet Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Vivek Goyal, Advocate for the petitioner.

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

Mr. Nitin Rampal, Advocate for the complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.79 dated 20.7.2015 (Annexure-P.1) for the offences under Section 307 IPC and Section 27 of the Arms Act registered at Police Station Muktsar Sadar, District Sri Muktsar Sahib and all subsequent proceedings arising out of the same in view of the compromise (Annexure-P.2).

The present FIR has been registered on the statement of Parvinder Singh on the allegations that when the complainant asked the petitioner to pay the balance consideration amount for the Kothi, he started arguing, went near his parked car, took his gun, loaded it and was going to fire towards the complainant in order to kill him, but his relatives Sardool

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Singh and Jasbir Singh raised noise and he was caught by the official on duty. If they had not caught him, the petitioner would have killed the complainant.

Learned counsel for the petitioner argued that it is no injury case as only gun was pointed towards the petitioner, but no shot was fired.

Now with intervention of respectable persons, the matter has been amicably settled and compromise has been entered into between the parties, therefore, 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, Sri Muktsar Sahib has sent her report dated 9.10.2015 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 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.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab and learned counsel for 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

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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.79 dated 20.7.2015 (Annexure-P.1) for the offences under Section 307 IPC and Section 27 of the Arms Act registered at Police Station Muktsar Sadar, District Sri Muktsar Sahib and all subsequent proceedings arising out of the same are hereby quashed.

November 26, 2015.

(Inderjit Singh)
Judge

hsp