

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-31334 of 2015

.....

Date of decision:16.11.2015

Manpreet Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Present: Mr. Amaninder Singh Sekhon, Advocate for the petitioners.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Abhinav Jain, Advocate for the complainant-respondents
No.2 to 4.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.66 dated 14.5.2013 (Annexure-P.1) for the offences under Section 307 read with Section 34 IPC and Section 25 of the Arms Act registered at Police Station Baghapurana, District Moga and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Kala Singh on the allegations that the accused-petitioner Manpreet Singh raised 'Lalkara' to teach complainant a lesson for having a bad-eye on his sister. Then accused Davinder Pal Singh took out a pistol from his 'Dub' and pointed towards him, with an intention to kill him. When the complainant tried to run away, Davinder Pal Singh directly shot at him,

which hit on his left leg. Then accused Davinder Pal Singh shot at him again, which hit on the internal side of his left leg. The complainant fell down and raised alarm. In the meantime, Chamkaur Singh and Desa Singh also reached at the spot and rescued him. Then all the accused ran away from the spot on their motorcycle along with pistol. Now with the 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 Sessions Judge, Moga has sent his report dated 9.11.2015 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 complainant-respondents No.2 to 4 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 petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondents No.2 to 4 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

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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.66 dated 14.5.2013 (Annexure-P.1) for the offences under Sections 307 read with Section 34 IPC and Section 25 of the Arms Act registered at Police Station Baghapurana, District Moga and all subsequent proceedings arising out of the same are hereby quashed.

November 16, 2015.

(Inderjit Singh)
Judge

hsp