

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-31744 of 2015

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Date of decision:17.12.2015

Jagjit Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Present: Mr. Narinder Kumar Vadehra, Advocate for the petitioners.

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

None for the complainant-respondents No.2 and 3.

None for accused-respondents No.4 to 7.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.8 dated 2.2.2015 (Annexure-P.1) registered for the offences under Section 307, 341, 324, 323, 506, 148 and 149 IPC at Police Station Jodhan, District Ludhiana Rural and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

Learned counsel for the petitioners argued that the investigation is at the preliminary stage. He further argued that no injury has been declared as dangerous to life, hence no offence under Section 307 IPC is made out.

The FIR has been registered on the statement of complainant-Hardeep Singh on the allegations that the accused-petitioners along with

respondents No.4 to 7 attacked him and his father and inflicted injuries with their respective weapons. Now with intervention of Panchayats of Village Ghungrana and Village Dhulkot and also with the 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 11.12.2015 submitting that statements of complainant-Hardeep Singh, and petitioners-Sukhdev Singh, Jagjit Singh, Hardeep Singh, Mandeep alias Amandeep Singh and Karamjit Singh alias Kamma alias Kirpal Singh have been recorded on 9.10.2015. However, Gurmeet Singh, Tocha, Gogi and Jhanta (accused-respondents No.4 to 7) did not turn-up for recording their statements in compliance of the order passed by this Court. He has further submitted that the compromise effected between the parties is not genuine. However, complainant-respondent No.2 has submitted that he has no objection if the case FIR and other consequential proceedings against the accused may be quashed. Hence, respondents No.4 to 7, namely, Gurmeet Singh, Tocha, Gogi and Jhanta, who have not appeared to get their statements recorded are given-up.

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

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would have no objection to the quashing of the FIR qua the petitioners only 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.8 dated 2.2.2015 (Annexure-P.1) registered for the offences under Section 307, 341, 324, 323, 506, 148 and 149 IPC at Police Station Jodhan, District Ludhiana Rural and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners only.

December 17, 2015.

(Inderjit Singh)
Judge

hsp