

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-32112 of 2015

.....

Date of decision:12.10.2015

Bhagwan Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

.....

Present: Ms. Ruchi Sekhri, Advocate for the petitioner.

Mr. B.S. Bhullar, Assistant Advocate General, Punjab  
for the respondent-State.

Ms. Seema Dharwal, Advocate for 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.23 dated 24.2.2005 (Annexure-P.1) registered for the offences under Sections 324, 34 IPC ( and Section 326 IPC, which was added later on) at Police Station Sadar Faridkot, District Faridkot and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Lal Singh on the allegations that the accused-petitioner attacked him and gave a 'Kapa' blow on his head. The complainant fell down and thereafter, the petitioner along with others gave stick and daang blows on his belly. It

is worthwhile to mention here that the petitioner had been declared innocent in the aforesaid FIR and cancellation report was also submitted by the Police before the learned trial Court, therefore, the petitioner went to Canada as his visa had arrived. 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 Chief Judicial Magistrate, Faridkot, has sent his report dated 5.10.2015 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 parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that

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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.23 dated 24.2.2005 (Annexure-P.1) registered for the offences under Sections 324, 34 IPC ( and Section 326 IPC, which was added later on) at Police Station Sadar Faridkot, District Faridkot and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

October 12, 2015.

**(Inderjit Singh)**  
**Judge**

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