

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-32987 of 2014

.....

Date of decision:15.12.2015

Kuljit Singh alias Billa and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. B.S. Baath, Advocate for the petitioners.

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

None for the complainant-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.41 dated 29.5.2014 (Annexure-P.1) registered for the offences under Sections 307 and 34 IPC and Sections 25 and 27 of the Arms Act at Police Station Dera Baba Nanak, Police District Batala and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

Learned counsel for the petitioners argued that as per opinion of the doctor (Annexure-P.2), only simple injury has been inflicted on the person of the complainant, therefore, the offence under Section 307 IPC is not made out.

The FIR has been registered on the statement of complainant-Jagrup Singh alias Rupa on the allegations that the accused-petitioners attacked him and inflicted injuries. Kuljit Singh alias Billa has taken out the

revolver from his 'dub' and fired upon the complainant with an intention to kill him, which hit on the bicep of his right shoulder. Now with 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 Additional Sessions Judge, Gurdaspur has sent her report dated 8.12.2015 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 admits the factum of compromise and submits 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 the complainant 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

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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.41 dated 29.5.2014 (Annexure-P.1) registered for the offences under Sections 307 and 34 IPC and Sections 25 and 27 of the Arms Act at Police Station Dera Baba Nanak, Police District Batala and all subsequent proceedings arising out of the same are hereby quashed.

December 15, 2015.

(Inderjit Singh)
Judge

hsp