

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-33507 of 2014

.....

Date of decision:8.1.2015

Navjot Singh alias Jyoti and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Parvesh Sachdeva, Advocate for the petitioners.

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

None for complainant-respondent No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.9 dated 12.1.2010 (Annexure-P.1) registered for the offences under Sections 323, 341, 506, 148 and 149 IPC at Police Station Muktsar City, District Sri Muktsar Sahib and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Nachhattar Singh on the allegations that the accused-petitioners attacked him and gave slap and fist blows and threatened him. On his raising alarm, people of the surrounding area gathered there and rescued him

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from them, otherwise they would have caused more injuries to him. On seeing the people, the above accused ran away from the spot with their respective weapons. Now with intervention of respectable persons and relatives, the matter has been amicably compromised between the parties and respondent No.2 does not want to pursue the aforesaid FIR and he has no objection if the present FIR is quashed.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned Illaqa Magistrate for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate, Sri Muktsar Sahib has sent her report dated 6.1.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant Nachhattar Singh has stated that the matter has been amicably compromised without any pressure, coercion and undue influence with the intervention of respectable persons of the society and he has no objection if the FIR is quashed.

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 have gone through the record.

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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.

The Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, has held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable. Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), this petition is allowed and FIR No.9 dated 12.1.2010 (Annexure-P.1) registered for the offences under Sections 323, 341, 506, 148 and 149 IPC at Police Station Muktsar City, District Sri Muktsar Sahib and all subsequent proceedings arising out of the same are hereby quashed.

January 8, 2015.

(Inderjit Singh)
Judge

hsp