

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33733 of 2015

.....

Date of decision:10.12.2015

Jai Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Rahul Bhargava, Advocate for the petitioners.

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

Mr. Vaibhav Narang, Advocate for the complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.304 dated 20.11.2014 (Annexure-P.1) registered for the offences under Sections 307 and 34 IPC and Section 25 of the Arms Act at Police Station Sultanwind, District Amritsar City and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

Learned counsel for the petitioners argued that no injury dangerous to life 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-Vijay Pal Singh on the allegations that the accused-petitioners attacked him and inflicted injuries. Jai Singh took out his pistol and fired a shot at the complainant with an intention to kill, but the shot did not hit him. In the

scuffle, Jai Singh fired another shot at the complainant which hit him on his left thigh, due to which, he started to bleed profusely and he raised loud screams of 'Maarta-maarta' and then people started to gather at the place of occurrence and the accused fled away from the spot. 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, Amritsar has sent his report dated 30.11.2015 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 the complainant 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 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 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.304 dated 20.11.2014 (Annexure-P.1) registered for the offences under Sections 307 and 34 IPC and Section 25 of the Arms Act at Police Station Sultanwind, District Amritsar City and all subsequent proceedings arising out of the same are hereby quashed.

December 10, 2015.

(Inderjit Singh)
Judge

hsp