

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-34481 of 2015

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Date of decision:16.11.2015

Achint Sood and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(2) Criminal Misc. No.M-34725 of 2015

.....

Vishal Marria and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Naveen Bawa, Advocate for the petitioners in Cr.
Misc. No.M-34481 of 2015 and for respondents No.2 and 3
in Cr. Misc. No.M-34725 of 2015.

Mr. A.D.S. Jattana, Advocate for for the petitioners in Cr. Misc.
No.M-34725 of 2015 and for respondents No.2 to 4 in Cr.
Misc. No.M-34481 of 2015.

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

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal
miscellaneous petitions i.e. Criminal Misc. No.M-34481 of 2015 filed

under Section 482 Cr.P.C. for quashing of FIR No.49 dated 22.6.2012 registered for the offences under Sections 307, 379, 341, 323, 148, 149 and 506 IPC (later on Sections 307, 379, 148 and 149 IPC were deleted by the Police in inquiry and challan has been presented only for the offences under Sections 323, 341, 506 and 34 IPC) at Police Station Division No.3, District Ludhiana and Criminal Misc. No.M-34725 of 2015 filed for quashing of Rapat No.21 dated 22.6.2012 registered for the offences under Sections 307, 323, 341, 148, 149 and 506 IPC (Sections 307, 148, 149 IPC were deleted later on by the Police) in case FIR No.49 dated 22.6.2012 as well as all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR and the Rapat were got registered against each other by the petitioners of both the petitions as dispute arose as a result of fight between the parties in which injuries were received by both the parties. This is a case of version and cross-version. Now with the intervention of respectable persons, both the parties have arrived at an amicable settlement and have effected a compromise.

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 two reports dated 9.11.2015 in both the cases submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine.

Learned Assistant Advocate General, Punjab, on instructions

from the Investigating Officer and learned counsel for complainants 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 and the Rapat 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, these petitions are allowed and FIR No.49 dated 22.6.2012 registered for the offences under Sections 307, 379, 341, 323, 148, 149 and 506 IPC (later on Sections 307, 379, 148 and 149 IPC were deleted by the Police in inquiry and challan has been presented only for the offences under Sections 323, 341, 506 and 34 IPC) at Police Station Division No.3, District Ludhiana and Rapat No.21 dated 22.6.2012 registered for the offences under Sections 307,

323, 341, 148, 149 and 506 IPC (Sections 307, 148, 149 IPC were deleted later on by the Police) in case FIR No.49 dated 22.6.2012 as well as all other subsequent proceedings arising out of the same are hereby quashed.

November 16, 2015.

(Inderjit Singh)
Judge

hsp