

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-34891 of 2015

.....

Date of decision:17.12.2015

Gurpreet Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Parveen Kumar Garg, Advocate for the petitioners.

Ms. Shivali, 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.28 dated 18.3.2014 (Annexure-P.1) registered for the offences under Sections 325, 323 and 34 IPC and (Section 201 IPC, which was added later on) at Police Station Chajli, District Sangrur and all subsequent proceedings arising therefrom including judgment and conviction order dated 6.1.2015 (Annexure-P2) passed by learned Principal Magistrate, Juvenile Justice Board, Sangrur, thereby convicting petitioner No.2 for the offence under Section 323 IPC and ordered him to do community service in Civil Hospital for a period of six months w.e.f. 1.2.2015 till 31.7.2015 on every Saturday and Sunday in view of the compromise (Annexure-P.3).

The FIR has been registered on the statement of complainant-Sukhpal Singh alias Kala on the allegations that the accused-petitioners attacked him and inflicted injuries. The trial qua petitioners No.1 and 3 is pending before learned trial Court. It has been stated that since petitioner No.2 is minor and his date of birth is 1.5.1998, and being juvenile, his trial was conducted by learned Principal Magistrate, Juvenile Justice Board, Sangrur and vide judgment dated 6.1.2015, he was acquitted for the offences under Sections 325, 201 and 34 IPC and was convicted only for the offence under Section 323 IPC and ordered to do community service in the Civil Hospital as mentioned above. It has been further stated that petitioner No.2 has already successfully completed the above referred period of six months of community service. 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 Judicial Magistrate Ist Class, Sunam has sent his report dated 1.12.2015 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 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.28 dated 18.3.2014 (Annexure-P.1) registered for the offences under Sections 325, 323 and 34 IPC and (Section 201 IPC, which was added later on) at Police Station Chajli, District Sangrur and all subsequent proceedings arising therefrom including judgment and conviction order dated 6.1.2015 (Annexure-P.2) passed by learned Principal Magistrate, Juvenile Justice Board, Sangrur, thereby convicting petitioner No.2 for the offence under Section 323 IPC and ordering petitioner No.2 to do community service in Civil Hospital for a period of six months w.e.f. 1.2.2015 till 31.7.2015 on every Saturday and

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Sunday, are hereby quashed in view of the compromise.

December 17, 2015.

(Inderjit Singh)
Judge

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