

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-36913 of 2014

.....

Date of decision:15.1.2015

Jagdev Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Naresh Gopal Sharma, Advocate for the petitioners.

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

Respondents No.2 and 3 in person.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.242 dated 23.12.2009 (Annexure-P.1) registered for the offences under Sections 452, 323, 324, 506, 148 and 149 IPC at Police Station City Khanna, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Manpreet Singh against the accused-petitioners for the above mentioned offences as they have inflicted injuries to the complainant and his grandmother. Now with intervention of friends, elders and respectable persons,

the matter has been amicably compromised between the parties and they have resolved their dispute.

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, Khanna has sent his report dated 24.12.2014 submitting that the compromise arrived at between the parties is voluntary, without any pressure or coercion and the same is genuine one. Complainant Manpreet Singh and his grand-mother Kartar Kaur-injured have stated that they have compromised the matter with free will and voluntarily, without any pressure or coercion and they have no objection if the FIR is quashed.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and respondents No.2 and 3 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 respondents No.2 and 3 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

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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.242 dated 23.12.2009 (Annexure-P.1) registered for the offences under Sections 452, 323, 324, 506, 148 and 149 IPC at Police Station City Khanna, District Ludhiana and all subsequent proceedings arising out of the same are hereby quashed.

January 15, 2015.

(Inderjit Singh)
Judge

hsp