

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-42058 of 2013

.....

Date of decision:29.1.2015

Nachhatar Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sukhdeep Parmar, Advocate for the petitioners.

Mr. Amarinder Singh Klar, Assistant Advocate General,
Punjab for the respondent-State.

Mr. Vivek Aggarwal, Advocate for respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.144 dated 25.11.2007 (Annexure-P.1) registered for the offences under Sections 323, 324, 325 and 34 IPC at Police Station Sadar Nabha, District Patiala and all subsequent proceedings arising therefrom in view of the compromise dated 26.11.2013 (Annexure-P.2).

The FIR has been registered on the statement of complainant-Budh Singh on the allegations that the petitioners beaten him in an altercation started on a trivial issued and inflicted injuries. Now with

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intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes for the betterment and bright future of both the families.

Therefore, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Sub Divisional Judicial Magistrate, Nabha has sent her report dated 18.12.2014 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-respondent No.2-Budh Singh has stated that he has compromised the matter with the accused without any pressure or coercion and he has no objection if the aforesaid FIR is quashed.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainant-respondent No.2 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 complainant-respondent No.2 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

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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 the law laid down by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, wherein it has been 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, this petition is allowed and FIR No.144 dated 25.11.2007 (Annexure-P.1) registered for the offences under Sections 323, 324, 325 and 34 IPC at Police Station Sadar Nabha, District Patiala and all subsequent proceedings arising out of the same are hereby quashed.

January 29, 2015.

(Inderjit Singh)
Judge

hsp