

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-40770 of 2014

.....

Date of decision:18.2.2015

Sagar

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. G.S. Rawat, Advocate for the petitioner.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of cross-case registered under Sections 325, 324, 323, 148 and 149 IPC in FIR No.7 dated 14.1.2014 registered for the offences under Sections 452, 324, 323, 148 and 149 IPC at Police Station Sadar Gurdaspur, District Gurdaspur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

The cross case in above FIR has been registered on the statement of complainant-Jarnail Masih alias Karnail Masih on the allegations that the accused-petitioner attacked him and inflicted injuries. Now with the intervention of respectable persons and family friends, 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 Chief Judicial Magistrate, Gurdaspur, has sent his report dated 15.1.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

In this case, notice of motion has not been issued. However, learned Deputy Advocate General, Punjab, appearing on behalf of the respondent-State in the connected case i.e. FIR, 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 petitioner 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 cross-case registered under Sections 325, 324, 323,

[3]

148 and 149 IPC in FIR No.7 dated 14.1.2014 registered for the offences under Sections 452, 324, 323, 148 and 149 IPC at Police Station Sadar Gurdaspur, District Gurdaspur and all subsequent proceedings arising out of the same are hereby quashed.

February 18, 2015.

(Inderjit Singh)
Judge

hsp