

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-41724 of 2014

.....

Date of decision:6.11.2015

Parminder Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Aakash Singla, Advocate for the petitioner.

Mr. B.S. Bhullar, 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.272 dated 30.8.2007 (Annexure-P.1) registered for the offences under Sections 323, 325, 148 and 149 IPC at Police Station Jagraon, District Ludhiana, charge-sheet dated 6.6.2008 (Annexure-P.1/A), whereby charges have been framed for the offences under Sections 148, 325/149 and 323 IPC and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Lakhbir Singh alias Sarvir Singh on the allegations that the accused-petitioner and five other accused attacked him and inflicted injuries. With intervention of respectable persons, the matter was amicably compromised between the complainant and remaining five accused except the petitioner.

On arriving at compromise, all the accused (including the petitioner) preferred Cr. Misc. No.M-5498 of 2014 for quashing of FIR, on which this Court vide order dated 28.7.2014 was pleased to quash FIR qua all other five accused except the petitioner, as during the investigation, the present petitioner was declared as proclaimed offender by the Court of learned Sub Divisional Judicial Magistrate, Jagraon on 14.3.2012. Now the petitioner has entered into a separate compromise (Annexure-P.2) 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, Jagraon has sent her report dated 21.12.2014 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

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 petitioner 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.272 dated 30.8.2007 (Annexure-P.1) registered for the offences under Sections 323, 325, 148 and 149 IPC at Police Station Jagraon, District Ludhiana, charge-sheet dated 6.6.2008 (Annexure-P.1/A), whereby charges have been framed for the offences under Sections 148, 325/149 and 323 IPC and all subsequent proceedings arising out of the same are hereby quashed.

November 6, 2015.

(Inderjit Singh)
Judge

hsp