

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-41992 of 2014

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Date of decision:11.8.2015

Baldev Raj and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(2) Criminal Misc. No.M-42350 of 2014

.....

Kuldeep Raj and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.K. Arya, Advocate for the petitioners in Cr. Misc. No.M-41992 of 2014 and for the complainant-respondents No.2 and 3 in Cr. Misc. No.42350 of 2014.

Mr. S.S. Kainth, Advocate for the petitioners in Cr. Misc. No.M-42350 of 2014 and for the complainant-respondents Nos.2 and 3 in Cr. Misc. No.41992 of 2014.

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

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal miscellaneous petitions i.e. Criminal Misc. No.M-41992 of 2014 filed by

Baldev Raj and others under Section 482 Cr.P.C. for quashing of FIR No.46 dated 2.8.2014 registered for the offences under Sections 452, 323, 324, 148 and 149 IPC at Police Station Behrampur, District Gurdaspur and Criminal Misc. No.M-42350 of 2014 filed by Kuldeep Raj and others for quashing of cross-version case registered under Sections 323, 324, 148 and 149 IPC in FIR No.46 dated 2.8.2014 as well as all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR and the cross-version were got registered against each other by the petitioners of both the petitions as dispute arose as a result of fight between the parties in which injuries were received by both the parties. This is a case of version and cross-version. Now with the intervention of respectable persons of the locality both the parties have arrived at an amicable settlement and have effected a compromise. As per compromise both the parties have agreed that they do not want to go in the Court and do not want to take any action against each other.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned Illaqa Magistrate, for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Gurdaspur has sent common report dated 19.1.2015 in both the cases submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine. Complainants Narender Saini, Sushil Kumar, Naresh Kumar and Baldev Raj in both the cases have stated that they have effected compromise with accused/petitioners without

any inducement, threat or pressure and they have no grudge against each other and have no objection if the FIR and cross-version are quashed.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainants 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 and the cross-version 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, these petitions are allowed and FIR No.46 dated 2.8.2014 registered for the offences under Sections 452, 323, 324, 148 and 149 IPC at Police Station Behrampur, District Gurdaspur as well as cross-version case registered

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under Sections 323, 324, 148 and 149 IPC in FIR No.46 dated 2.8.2014 and all subsequent proceedings arising out of the same are hereby quashed.

August 11, 2015.

(Inderjit Singh)
Judge

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