

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-42439 of 2014

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Date of decision:16.2.2015

Garib Dass and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

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(2) Criminal Misc. No.M-42074 of 2014

.....

Anil Kumar and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. M.K. Dogra, Advocate for the petitioners in Cr.
Misc. No.M-42439 of 2014 and for respondent No.2 in
Cr. Misc. No.M-42074 of 2014.

Ms. Natasha Munjal, Advocate for the petitioners in Cr. Misc.
No.M-42074 of 2014 and for respondent No.2 in Cr. Misc.
No.M-42439 of 2014.

Mr. Varun Sharma, 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-42439 of 2014 filed
under Section 482 Cr.P.C. for quashing of FIR No.26 dated 21.9.2014
registered for the offences under Sections 324, 323, 148 and 149 IPC and

(subsequently added Section 326 IPC) at Police Station Narot Jaimal Singh, District Pathankot and Criminal Misc. No.M-42074 of 2014 filed under Section 482 Cr.P.C. for quashing of Rapat No.19 dated 22.9.2014 registered for the offences under Sections 323, 324 and 34 IPC and (subsequently added Section 325 IPC) in FIR No.26 dated 21.9.2014 and all subsequent proceedings arising therefrom on the basis of compromise.

The above FIR and Rapat 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 version and cross-version. Now with the intervention of the respectable persons and relatives, the matter has been amicably sorted out between both the parties and compromise has been entered into.

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, Pathankot, has sent his two reports dated 9.2.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for 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 Rapat 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 between both the parties 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, these petitions are allowed. FIR No.26 dated 21.9.2014 registered for the offences under Sections 324, 323, 148 and 149 IPC and (subsequently added Section 326 IPC) at Police Station Narot Jaimal Singh, District Pathankot and Rapat No.19 dated 22.9.2014 registered for the offences under Sections 323, 324 and 34 IPC and (subsequently added Section 325 IPC) in FIR No.26 dated 21.9.2014 and all subsequent proceedings arising out of the same are hereby quashed on the basis of compromise.

February 16, 2015.

(Inderjit Singh)
Judge

hsp