

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-43879 of 2014

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Date of decision:12.2.2015

Gurnam Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Present: Mr. B.D. Sharma, Advocate for the petitioners.

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

None for complainant-respondents No.2 and 5.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.146 dated 10.12.2012 (Annexure-P.1) registered for the offences under Sections 307, 323, 354, 452, 506, 148 and 149 IPC at Police Station Division No.3 Jalandhar, District Jalandhar and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Ashwani Malhotra on the allegations that when he stopped the accused from misbehaving with the girl aged about 18 years, the accused-petitioners attacked him and inflicted injuries with their respective weapons. They also caused injuries to Rakesh Kumar, Kultaran Singh and Naresh Bhardwaj, who tried to rescue him from the clutches of the accused.

Learned counsel for the petitioners argued that all the injuries on all the injured persons were declared simple and there is no opinion by the Doctor that any of the injuries is dangerous to life or even grievous in nature, so as to attract the provision of Section 307 IPC. During the pendency of the trial of the present case, the differences between the petitioners and complainant-respondent No.2 and other injured-respondents No.3 to 5 have been amicably settled with the intervention of respectable persons, relatives and friends and compromise has been duly reduced into writing on 8.12.2014.

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 Sessions Judge, Jalandhar, has sent his report dated 31.1.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Notice of motion has been issued in this case.

Mr. A.S. Klar, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition. Reply has also been filed in the Court on behalf of the respondent-State, wherein it has been mentioned that the offences under Sections 307 and 452 IPC are not compoundable under the provisions of Cr.P.C. Moreover, the accused/petitioners had committed serious offence and had attacked Ashwani Malhotra, who was saving the girl with whom, they were

misbehaving. He was doing a social cause to save the girl. Therefore, it has been prayed that the petition is liable to be dismissed and the same may be dismissed.

However, in view of the fact that no injury has been declared as dangerous to life or grievous in the medical opinion and the parties have entered into compromise and have amicably settled their dispute, the complainant-respondents 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 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 the fact that no injury dangerous to life has been inflicted on the persons of the complainant-respondents No.2 to 5 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.146 dated 10.12.2012 (Annexure-P.1) registered for the offences

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under Sections 307, 323, 354, 452, 506, 148 and 149 IPC at Police Station Division No.3, District Jalandhar and all subsequent proceedings arising out of the same are hereby quashed.

February 12, 2015.

(Inderjit Singh)
Judge

hsp