

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-4737 of 2015

.....

Date of decision:15.12.2015

Jaswinder Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

Mr. Gopal Singh Nahel, Advocate for the complainant-
respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.77 dated 27.6.2014 (Annexure-P.1) registered for the offences under Section 307 IPC and Section 27 of the Arms Act at Police Station Dirba, District Sangrur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

Learned counsel for the petitioner argued that the dispute is between real brothers, who are residing in the same house with a common wall and for the peaceful future and the future of the families, this is a fit case where this Court may quash the proceedings in case under Section 307 IPC as the trial is at preliminary stage.

The FIR has been registered on the statement of complainant-Sukhwinder Singh on the allegations that the accused-petitioner attacked

him and inflicted injuries. Jaswinder Singh fired a shot from his licensed revolver after taking it out from his waist, but it did not hit the complainant. The complainant tried to run away, he again fired another shot at him with an intention to kill which hit him at the right side of his back. He fell down there. Now with intervention of respectable persons, 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 Sessions Judge, Sangrur has sent his report dated 3.12.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant 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 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 learned counsel for the complainant and learned counsel for the complainant 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.77 dated 27.6.2014 (Annexure-P.1) registered for the offences under Sections 307 IPC and Section 25 of the Arms Act at Police Station Dirba, District Sangrur and all subsequent proceedings arising out of the same are hereby quashed.

December 15, 2015.

(Inderjit Singh)
Judge

hsp