

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-10816 of 2016

.....

Date of decision:11.8.2016

Hardeep Singh Jhanda and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(2) Criminal Misc. No.M-10958 of 2016

.....

Gurdarshan Singh alias Raju and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Surinder Garg, Advocate for the petitioners in Cr. Misc. No.M-10816 of 2016 and for respondent No.2 in Cr. Misc. No.M-10958 of 2016.

Mr. T.P.S. Makkar, Advocate for Mr. B.S. Jattana, Advocate for the petitioners in Cr. Misc. No.M-10958 of 2016 and for respondent No.2 in Cr. Misc. No.M-10816 of 2016.

Mr. D.S. Virk, 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-10816 of 2016 filed under Section 482 Cr.P.C. for quashing of FIR No.13 dated 9.2.2016

registered for the offences under Sections 307, 451, 324, 148 and 149 IPC read with Sections 25 and 27 of the Arms Act at Police Station Mansa City, District Mansa and Criminal Misc. No.M-10958 of 2016 filed for quashing of DDR No.34 dated 10.2.2016 registered for the offences under Sections 307, 324, 323, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station City 1, Mansa, District Mansa as well as all other subsequent proceedings arising therefrom on the basis of compromise (Annexure-P.3).

The FIR and the DDR 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.

Learned counsel for the petitioners argued that both the parties have suffered the injuries and that is why the FIR as well as cross-version has been recorded and except one injury on the head all the other injuries are on non-vital part of the body of the complainant of the FIR as well as the complainant of DDR. Now with the intervention of respectable persons of their respective residential areas and relatives, both the parties have arrived at an amicable settlement and have effected a compromise.

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 District & Sessions Judge, Mansa, Mansa has sent his report dated 3.8.2016 in Criminal Misc. No.M-10816 of 2016 and learned Chief Judicial Magistrate, Mansa has sent her report dated

22.4.2016 in Cr. Misc. No.M-10958 of 2016 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 DDR 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.13 dated 9.2.2016 registered for the offences under Sections 307, 451, 324, 148 and 149 IPC read with Sections

25 and 27 of the Arms Act at Police Station Mansa City, District Mansa and DDR No.34 dated 10.2.2016 registered for the offences under Sections 307, 324, 323, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station City 1, Mansa, District Mansa as well as all other subsequent proceedings arising out of the same are hereby quashed.

August 11, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No