

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-1304 of 2016

.....

Date of decision:30.3.2016

Karam Singh alias Logarhi

.....Petitioner

v.

State of Punjab and another

.....Respondents

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(2) Criminal Misc. No.M-7518 of 2016

.....

Major Singh and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Jagpal Singh, Advocate for the petitioner in Cr. Misc. No.M-1304 of 2016 and for respondent No.2 in Cr. Misc. No.M-7518 of 2016.

Mr. Mandeep Singh Bains, Advocate for the petitioners in Cr. Misc. No.M-7518 of 2016 and for respondent No.2 in Cr. Misc. No.M-1304 of 2016.

Mr. T.N. Sarup, Additional 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-1304 of 2016 filed under Section 482 Cr.P.C. for quashing of FIR No.144 dated 9.10.2008 registered

for the offence under Section 324 IPC at Police Station Tappa, District Barnala and Criminal Misc. No.M-7518 of 2016 filed for quashing of Rapat No.21 dated 9.10.2008 registered for the offence under Section 324 IPC in FIR No.144 dated 9.10.2008 as well as all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR and the 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 case of version and cross-version. Now with the intervention of respectable persons, 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 Judicial Magistrate Ist Class, Barnala has sent his report dated 21.3.2016 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.

Learned Additional 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 parties as well as learned Additional 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.144 dated 9.10.2008 registered for the offence under Section 324 IPC at Police Station Tappa, District Barnala and Rapat No.21 dated 9.10.2008 registered for the offence under Section 324 IPC in FIR No.144 dated 9.10.2008 as well as all other subsequent proceedings arising out of the same are hereby quashed.

March 30, 2016.

(Inderjit Singh)
Judge

hsp