

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-14311 of 2016 (O&M)

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Date of decision:9.11.2016

Des Raj alias Rana and others

.....Petitioners

v.

Jasveer alias Sheera and another

.....Respondents

....

(2) Criminal Misc. No.M-13838 of 2016

.....

Mulkh Raj and another

.....Petitioners

v.

Jasveer alias Sheera and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Gursimran Singh, Advocate for the petitioners.

Mr. Vivek Goel, Advocate for respondent No.1

Mr. D.S. Virk, Assistant Advocate General, Punjab
for the respondent No.2-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-14311 of 2016 filed under Section 482 Cr.P.C. for quashing of Complaint No.COMI-1846/2013 dated 9.3.2010 titled “Jasvir alias Sheera v. Des Raj alias Rana etc.” filed under Sections 323, 324, 325, 341, 506 and 149 IPC and Criminal Misc. No.M-13838 of 2016 filed for quashing of order dated 24.3.2015, whereby

Mulakh Raj and Sunny (petitioners) were declared as proclaimed offenders in complaint No.COMI-1846/2013, as well as all other subsequent proceedings arising therefrom on the basis of compromise.

The complaint has been filed by Jasveer alias Sheera against the petitioners as dispute arose as a result of fight between the parties in which injuries were received by the complainant. Vide order dated 24.3.2015, petitioners Mulakh Raj and Sunny were declared as proclaimed offenders. 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, Filler, District Jalandhar has sent his report dated 29.7.2016 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 Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for 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 complaint and the impugned order declaring petitioners as proclaimed offenders 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 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 Complaint No.COMI 1846/2013 dated 9.3.2010 titled "Jasvir alias Sheera v. Des Raj alias Rana etc." filed under Sections 323, 324, 325, 341, 506 and 149 IPC and the order dated 24.3.2015, whereby Mulakh Raj and Sunny (petitioners) were declared as proclaimed offenders in complaint No.COMI 1846/2013, as well as all other subsequent proceedings arising out of the same are hereby quashed.

November 9, 2016.

(Inderjit Singh)
Judge

hsp

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