

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-14688 of 2016

.....

Date of decision:30.5.2016

Ashok Kumar and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sunil Agnihotri, Advocate for the petitioners.

Mr. Sandeep Kr. Bansal, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Vishal Munjal, Advocate for 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 complaint No.7/2015 dated 19.1.2015 (Annexure-P.1) filed for the offences under Sections 323, 341, 379, 382, 427, 452, 506, 120-B, 148 and 149 IPC at Police Station New Bahangala, District Hoshiarpur, as well as summoning order dated 5.3.2016 under Sections 323, 341, 382, 427, 506 and 149 IPC passed by SDJM, Mukerian, District Hoshiarpur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

The complaint has been filed by the complainant-Deepak Sobti on the allegations that the accused-petitioners forcibly entered into his shop and started giving filthy abuses. They started breaking glasses of counters

of the shop and and inflicted injuries. Now with the 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 Sub Divisional Judicial Magistrate, Mukerian has sent her report dated 19.5.2016 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-respondent No.2 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 petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 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

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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 complaint No.7/2015 dated 19.1.2015 (Annexure-P.1) filed for the offences under Sections 323, 341, 379, 382, 427, 452, 506, 120-B, 148 and 149 IPC at Police Station New Bahangala, District Hoshiarpur, as well as summoning order dated 5.3.2016 under Sections 323, 341, 382, 427, 506 and 149 IPC passed by SDJM, Mukerian, District Hoshiarpur and all subsequent proceedings arising out of the same are hereby quashed.

May 30, 2016.

(Inderjit Singh)
Judge

hsp