

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-15273 of 2016

.....

Date of decision:27.7.2016

Rashpal Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Jasvir Singh Dhaliwal, Advocate for the petitioners.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. H.S. Batth, 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.48 dated 7.4.2016 registered for the offences under Sections 307, 452, 324, 323, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Bhikhiwind, District Tam Taran and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2) entered into between the parties.

The FIR in the present case has been registered on the statement of complainant-Manjit Singh on the allegations that on 3.4.2016 at about 8.30 p.m., the complainant was engaged in conversation with the family members at home after taking meals. In the meantime, the outer gate of the home of the complainant was knocked by some persons, but the

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complainant, due to fear, had not opened the gate. In the meantime, some persons entered the home of the complainant by jumping the boundary walls. In the light of the electric bulb, the complainant had identified the accused and named them in the FIR. They inflicted injuries to the complainant. Harpal Singh accused fired with his 12 bore gun, which hit little above the ankle of the right leg of the complainant. Thereafter, he inflicted a sword blow near the elbow of the left hand and Hardip Singh inflicted a blow which hit on the side of the back below the shoulder. In the meantime, the complainant raised alarm and the assailants fled away.

Petitioners No.3 and respondent No.2 are real brothers and petitioners No.1 and 2 are the sons of the petitioner No.3 and nephew of the complainant. Thus, both the parties are closely related with each other. They have always good relations and cooperation among each other. There was no enmity between the parties. Challan has not yet been presented before the Court as the investigation is at the initial stage. Now with the intervention of respectable persons, the matter has been amicably settled between the parties and they have resolved their dispute amongst themselves with the help of respectable persons known to both the parties. Respondent No.2 has no objection if the above mentioned FIR is quashed.

Learned counsel for the petitioners argued that no injury dangerous to life has been inflicted to the complainant and as the matter has been amicably compromised between the parties and challan has not yet been filed, therefore, the FIR should be quashed on the basis of compromise.

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Keeping in view the fact that the parties have entered into a compromise and related to each other, 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, Patti, has sent her report dated 18.7.2016 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 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

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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.48 dated 7.4.2016 registered for the offences under Sections 307, 452, 324, 323, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Bhikhiwind, District Tarn Taran and all subsequent proceedings arising therefrom out of the same are hereby quashed.

July 27, 2016.

(Inderjit Singh)
Judge

hsp

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