

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-15635 of 2016

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Date of decision:3.12.2016

Vishal Sharma and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(2) Criminal Misc. No.M-15847 of 2016

.....

Ajay Pal Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. N.P.S. Mann, Advocate for the petitioners in Cr.
Misc. No.M-15635 of 2016 and for respondents No.2 and 3
in Cr. Misc. No.M-15847 of 2016.

Mr. R.P.S. Mann, Advocate for the petitioners in Cr. Misc.
No.M-15847 of 2016 and for respondents No.2 to 9 in Cr.
Misc. No.M-15635 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-15635 of 2016 filed under Section 482 Cr.P.C. for quashing of FIR No.120 dated 16.11.2015 registered for the offences under Sections 307, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Jhabal, District Tarn Taran and Criminal Misc. No.M-15847 of 2016 filed for quashing of DDR No.38 dated 20.11.2015 registered for the offences under Sections 307, 452, 324, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act in FIR No.120 of dated 16.11.2015 as well as all other subsequent proceedings arising therefrom on the basis of compromise.

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. Challan has not been filed so far. Now with the intervention of relatives and close friends of both the parties, as both the parties are the residents of the same village, they have settled amicably their disputes and differences that they shall finish their disputes and shall live in peace and harmony in the village and accordingly a compromise was arrived at between both the parties.

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 Chief Judicial Magistrate, Tarn Taran has sent his two reports dated 16.11.2016 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 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 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 FIR No.120 dated 16.11.2015 registered for the offences under Sections 307, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Jhabal, District Tam Taran and DDR No.38 dated 20.11.2015 registered for the offences under Sections 307, 452, 324, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act in FIR

No.120 of dated 16.11.2015 as well as all other subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

December 3, 2016.

(Inderjit Singh)
Judge

hsp

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