

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-16232 of 2016

.....

Date of decision:29.7.2016

Jarnail Singh and others

.....Petitioners

v.

Amrik Singh

.....Respondent

....

Present: Ms. Aarti, Advocate for Mr. Divjyot S. Sandhu, Advocate for the petitioners.

Ms. Mandeep Kaur, Advocate for the respondent.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of criminal complaint No.52 dated 26.5.2015 (Annexure-P.1) titled as “Amrik Singh Vs. Jarnail Singh and others” filed for the offences under Sections 452, 295-A, 323, 380, 506, 148, 149 and 120-B IPC pending in the Court of Judicial Magistrate Ist Class, Kapurthala, summoning order dated 4.8.2015 (Annexure-P.2) and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

The criminal complaint has been filed by complainant-Amrik Singh on the allegations that the accused-petitioners in connivance and conspiracy with each other forcibly entered into the house of the complainant and started abusing him as they were pressurizing him not to make statement in the Court against them in a rape case in which he was a witness. They started giving kick blows to the complainant and when he

raised hue and cry, he was rescued by Sewa Singh and Harbans Singh. The accused left the site with a threat that in case the matter is not compromised, they would kill him. Now with 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 Judicial Magistrate Ist Class Kapurthala, has sent her report dated 2.7.2016 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 counsel for the complainant-respondent admits the factum of compromise and submits that as the parties have indeed settled their dispute, the complainant would have no objection to the quashing of the criminal complaint 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 counsel for the complainant-respondent 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

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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, this petition is allowed and criminal complaint No.52 dated 26.5.2015 (Annexure-P.1) titled as “Amrik Singh Vs. Jarnail Singh and others” filed for the offences under Sections 452, 295-A, 323, 380, 506, 148, 149 and 120-B IPC pending in the Court of Judicial Magistrate Ist Class, Kapurthala, summoning order dated 4.8.2015 (Annexure-P.2) and all subsequent proceedings arising out of the same are hereby quashed.

July 29, 2016.

(Inderjit Singh)
Judge

hsp

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