

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-1543 of 2014

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Date of decision:24.5.2016

Balvir Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(2) Criminal Misc. No.M-10230 of 2016

.....

Gorkha Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Jashan Jot Singh Uppal, Advocate for the petitioners in Cr. Misc. No.M-1543 of 2014 and for the complainant-respondents No.2 to 9 in Cr. Misc. No.M-10230 of 2016.

Mr. Anil Kumar Garg, Advocate for petitioners in Cr. Misc. No.10230 of 2016.

Ms. Shivali, Assistant Advocate General, Punjab for the respondent-State.

Mr. C.S. Sisodia, Advocate for complainant-respondents No.2 to 4 in Cr. Misc. No.M-1543 of 2014.

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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-1543 of 2014 filed under Section 482 Cr.P.C. for quashing of FIR No.72 dated 8.6.2014 registered for the offences under Sections 341, 323, 506, 148 and 149 IPC at Police Station Ahmedgarh, District Sangrur and Criminal Misc. No.M-10230 of 2016 filed for quashing of DDR No.23 dated 8.6.2004 registered for the offences under Sections 323, 506, 148 and 149 IPC at Police Station Ahmedgarh, District Sangrur in FIR No.72 dated 8.6.2014 in which the Police filed challan for the offences under Sections 148, 325, 323, 506 and 149 IPC and all subsequent proceedings arising therefrom in view of the 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. 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, Malerkotla has sent his two reports dated 20.5.2015 and 22.4.2016 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. It is also mentioned in the report that petitioner Koora Singh had died on 6.2.2014, therefore, his

statement could not be recorded.

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 petitioners, learned counsel for the complainants 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.72 dated 8.6.2014 registered for the offences under Sections 341, 323, 506, 148 and 149 IPC at Police Station Ahmedgarh, District Sangrur and DDR No.23 dated 8.6.2004 registered for the offences under Sections 323, 506, 148 and 149 IPC at Police Station

Ahmedgarh, District Sangrur in FIR No.72 dated 8.6.2014, in which the Police filed challan for the offences under Sections 148, 325, 323, 506 and 149 IPC and all subsequent proceedings arising out of the same are hereby quashed.

May 24, 2016.

(Inderjit Singh)
Judge

hsp