

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-17471 of 2015

.....

Date of decision:26.2.2016

Dilpreet Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Present: Mr. Gagandeep Singh Simble, Advocate for the petitioner.

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

Mr. Tarun Singla, Advocate for Mr. Rahul Sharma, Advocate for the complainant-respondents No.2 and 3.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.122 dated 6.11.2012 (Annexure-P.1) for the offences under Section 307 IPC and Sections 25 and 27 of the Arms Act registered at Police Station Fatehgarh Churian, Tehsil Batala, District Gurdaspur and all subsequent proceedings arising therefrom in view of the compromise dated 22.12.2014 (Annexure-P.2) entered into between the parties.

The FIR in the present case has been got registered by complainant-Davinder Kaur, who is mother of the petitioner-Dilpreet Singh, on the allegations that the petitioner fired three shots from his double barrel gun with the intention to kill her son Lovepreet while standing at lobby of

[2]

double storey. All the three shots crossed the door and two pellets hit very lightly to the arm of Dilpreet. The petitioner and respondents No.2 and 3 closely related to each other as respondents No.2 and 3 are real mother and brother of the petitioner and they all are living in the same house. Now with the intervention of relatives and respectable persons of the village and to maintain peace and harmony in the village, the matter has been settled amicably so that they may live peacefully.

Learned counsel for the petitioner argued that it is a no injury case and the matter has been amicably compromised between the parties as they are related to each other.

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, Batala, has sent his report dated 16.2.2016 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-respondents No.2 and 3 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 petitioner as well as

[3]

learned Assistant Advocate General, Punjab and learned counsel for complainant-respondents No.2 and 3 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, this petition is allowed and FIR No.122 dated 6.11.2012 (Annexure-P.1) for the offences under Section 307 IPC and Sections 25 and 27 of the Arms Act registered at Police Station Fatehgarh Churian, Tehsil Batala, District Gurdaspur and all subsequent proceedings arising out of the same are hereby quashed.

February 26, 2016.

(Inderjit Singh)
Judge

hsp