

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-18690 of 2016

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Date of decision:27.10.2016

Jiwan Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

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(2) Criminal Misc. No.M-18693 of 2016

.....

Darshan Singh and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Shiv Charan Bhola, Advocate for the petitioners in Cr. Misc. No.M-18690 of 2016 and for respondent No.2 in Cr. Misc. No.M-18693 of 2016.

Mr. H.B.S. Baidwan, Advocate for the petitioners in Cr. Misc. No.M-18693 of 2016 and for respondents No.2 and 3 in Cr. Misc. No.M-18690 of 2016.

Mr. Mikhail Kad, 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-18690 of 2016 filed under Section 482 Cr.P.C. for quashing of FIR No.102 dated 5.7.2013 registered for the offences under Sections 324, 323 and 34 IPC at Police

Station City-1 Malerkotla, District Sangrur and Criminal Misc. No.M-18693 of 2016 filed for quashing of DDR No.25 dated 25.7.2013 registered in FIR No.102 dated 5.7.2013 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. 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 Sub Divisional Judicial Magistrate, Malerkotla has sent her two reports dated 14.10.2016 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 petitioners 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.102 dated 5.7.2013 registered for the offences under Sections 324, 323 and 34 IPC at Police Station City-1 Malerkotla, District Sangrur and DDR No.25 dated 25.7.2012 registered in FIR No.102 dated 25.7.2013 as well as all other subsequent proceedings arising out of the same are hereby quashed.

October 27, 2016.

(Inderjit Singh)
Judge

hsp

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