

In the High Court of Punjab and Haryana at Chandigarh

.....

(1) Criminal Misc. No.M-21272 of 2015

.....

Date of decision:29.3.2016

Bohar Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(2) Criminal Misc. No.M-21276 of 2015

.....

Jagtar Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Vikas Gupta, Advocate for the petitioners in Cr. Misc.
No.M-21272 of 2015 and for respondent No.2 in Cr. Misc.
Misc. No.M-21276 of 2015.

Mr. Vivek Salathia, Advocate for the petitioners in Cr. Misc.
No.M-21276 of 2015 and for respondents No.2 and 3 in
Cr. Misc. No.M-21272 of 2015.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

This order will dispose of the above mentioned two criminal
miscellaneous petitions i.e. Criminal Misc. No.M-21272 of 2015 filed

under Section 482 Cr.P.C. for quashing of FIR No.20 dated 3.3.2015 registered for the offences under Sections 324, 323, 148, 149 and 307 IPC (Section 307 IPC has been added later on) at Police Station Valtaha, District Tarn Taran and Criminal Misc. No.M-21276 of 2015 filed for quashing of cross-case registered vide Rapat No.19 dated 6.3.2015 for the offences under Sections 324, 323, 326 and 34 IPC in FIR No.20 dated 3.3.2015 as well as all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR and the cross-version 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.

Learned counsel for the petitioners in Criminal Misc. No.M-21272 of 2015 argued that no injury dangerous to life has been inflicted by the petitioners, hence the offence under Section 307 IPC is not made out.

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, Patti has sent his two reports No.351 dated 21.11.2015 and 83 dated 19.3.2016 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 cross-version 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.20 dated 3.3.2015 registered for the offences under Sections 324, 323, 148, 149 and 307 IPC (Section 307 IPC has been added later on) at Police Station Valtaha, District Tarn Taran and cross-case registered vide Rapat No.19 dated 6.3.2015 for the offences under Sections 324, 323, 326 and 34 IPC in FIR No.20 dated 3.3.2015 as

well as all other subsequent proceedings arising out of the same are hereby quashed.

March 29, 2016.

(Inderjit Singh)
Judge

hsp