

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-25172 of 2014

.....

Date of decision:31.3.2016

Sonu alias Kancha and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Present: Ms. Parminder Kaur, Advocate for Mr. Hitesh Pandit,
Advocate for the petitioners.

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

Mr. A.A. Pathak, Advocate for respondent No.4.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.56 dated 20.5.2014 (Annexure-P.1) for the offences under Section 307, 324, 323, 506, 148, 149, 279, 427 and 120-B IPC at Police Station Shimlapuri, Ludhiana, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2) entered into between the parties.

The FIR in the present case has been got registered by complainant-Saroop Singh on the allegations that the petitioners attacked the complainant and his friends and caused injuries on the person of Harmeet Singh and Manjit Singh (respondents No.3 and 4). Even if, all the allegations are read, they will only make a case under Section 325 IPC or at

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the most under Section 326 IPC, whereas the Police had registered FIR by adding Section 307 IPC, which is not made out and further more as per statement in the FIR the nature of injuries were simple. Now with the intervention of respectable persons, the matter has been amicably settled between the parties and they have resolved their dispute amongst themselves with the help of respectable persons known to both the parties.

Learned counsel for the petitioners argued that no injury dangerous to life had been inflicted on the person of respondents No.3 and 4, therefore, 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, Ludhiana, has sent her report dated 29.3.2016 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 respondent No.4 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 petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for

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respondent No.4 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.56 dated 20.5.2014 (Annexure-P.1) for the offences under Section 307, 324, 323, 506, 148, 149, 279, 427 and 120-B IPC at Police Station Shimlapuri, Ludhiana, District Ludhiana and all subsequent proceedings arising out of the same are hereby quashed.

March 31, 2016.

(Inderjit Singh)
Judge

hsp