

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-27976 of 2015 (O&M)

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Date of decision:7.9.2016

Rajiv Kumar and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Surinderdeep Kaur, Advocate for Ms. Jigyasa Tanwar,
Advocate for the petitioners.

Mr. Neeraj Sharma, Additional Advocate General, Punjab
for the respondent-State.

Mr. G.B.S. Gill, Advocate for the complainant-respondent
No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.30 dated 9.4.2015 (Annexure-P.1) registered for the offences under Sections 454 and 380 IPC at Police Station Khamanon, District Fatehgarh Sahib and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.11) entered into between the parties during the pendency of this petition in this Court qua the petitioners only.

The FIR has been registered on the statement of complainant-Gurminder Singh on the allegations that the accused-petitioners on 7.4.2015 had beaten up Jasvir Singh-Manager of complainants' palace, which was given on lease to the petitioners, to which he had been got admitted in Civil

Hospil, Khamanon. On 8.4.2015, Ajwant Singh told the complainant and his Manager that the main door of the palace and its office was lying broken and inside the palace, Rajiv Kumar, Sanjiv Kumar along with two/three persons were loading chairs etc. in two vehicles and who on seeing him ran from the spot by loading the chairs etc. During the pendency of this petition in this Court, now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

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, Khamanon, has sent her report dated 3.8.2016 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 Additional Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 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 Additional Advocate General, Punjab and learned counsel for complainant-respondent No.2 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.30 dated 9.4.2015 (Annexure-P.1) registered for the offences under Sections 454 and 380 IPC at Police Station Khamanon, District Fatehgarh Sahib and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

September 7, 2016.

(Inderjit Singh)
Judge

hsp

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