

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-30622 of 2015

.....

Date of decision:8.1.2016

Mukesh alias Shakti and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(2) Criminal Misc. No.M-30621 of 2015

.....

Subash Kumar and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. K.S. Sodhi, Advocate for the petitioners in Cr.
Misc. No.M-30622 of 2015 and for respondents No.2 and 3
in Cr. Misc. No.M-30621 of 2015.

Mr. Rajeev Sharma, Advocate for the petitioners in Cr. Misc.
No.M-30621 of 2015 and for respondents No.2 to 4 in Cr.
Misc. No.M-30622 of 2015.

Ms. Shivali, 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-30622 of 2015 filed

under Section 482 Cr.P.C. for quashing of FIR No.87 dated 6.4.2014 registered for the offences under Sections 452, 323, 427, 148 and 149 IPC at Police Station Nakodar, District Jalandhar City and Criminal Misc. No.M-30621 of 2015 filed for quashing of cross-case registered vide DDR No.18 dated 6.4.2014 for the offences under Sections 452 and 323 IPC in FIR No.87 dated 6.4.2014 and all subsequent proceedings arising out of the same in view of compromise dated 25.7.2015.

The FIR and the DDR have been 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, Nakodar has sent his report dated 17.10.2015 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.87 dated 6.4.2014 registered for the offences under Sections 452, 323, 427, 148 and 149 IPC at Police Station Nakodar, District Jalandhar City and cross-case registered vide DDR No.18 dated 6.4.2014 for the offences under Sections 452 and 323 IPC in FIR No.87 dated 6.4.2014 and all subsequent proceedings arising out of the same are hereby quashed.

January 8, 2016.

(Inderjit Singh)
Judge

hsp