

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-32819 of 2015

.....

Date of decision:2.9.2016

Sandeep Singh alias Sandy

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. D.S. Virk, Assistant Advocate General, Punjab  
for the respondent-State.

Mr. H.S. Aujla, Advocate for the complainant-respondent  
No.2.

.....

**Inderjit Singh, J.**

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.95 dated 12.8.2015 registered for the offence under Section 307 IPC read with Section 34 IPC at Police Station Cantt. Ferozepur, District Ferozepur and all subsequent proceedings arising therefrom in view of the compromise dated 7.9.2015 (Annexure-P.3) entered into between the parties.

The FIR in the present case has been got registered by complainant-Sukhchain on the allegations that on 10.8.2015 at about 10.00 a.m. he along with his friend Rakesh Kumar went to Guru Nanak College, Ferozepur to get admission of his friend in Class B.A. Part-I, where the complainant as well as the petitioner grappled with each other on some

issue. It is alleged that the petitioner gave two blows of 'Kirch' on the person of the complainant on his left side of abdomen.

Learned counsel for the petitioner argued that the petitioner and the complainant are students of the same college and challan has not been presented in the Court. He also argued that a compromise has been effected between the parties with the intervention of respectable persons and relatives of both the parties. The complainant-respondent No.2 has no objection if the above FIR is quashed by this Court.

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, Ferozepur, has sent her report dated 20.1.2016 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 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 petitioner as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 and have gone through the record.

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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.95 dated 12.8.2015 registered for the offence under Section 307 IPC read with Section 34 IPC at Police Station Cantt. Ferozepur, District Ferozepur and all subsequent proceedings arising out of the same are hereby quashed.

September 2, 2016.

**(Inderjit Singh)**  
**Judge**

\*hsp\*

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| <b>NOTE:</b> | Whether speaking/reasoned: | Yes |
|              | Whether reportable:        | No  |