

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33610 of 2014

.....

Date of decision:19.1.2016

Gurlabh Singh alias Laddi

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Inderjeet Sharma, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

Mr. M.K. Bhatnagar, Advocate for complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.64 dated 28.7.2014 (Annexure-P.1) registered for the offences under Section 307 IPC and Sections 25 and 27 of the Arms Act at Police Station Rureke Kalan, District Barnala and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

Learned counsel for the petitioner argued that the parties are neighbours and the incident occurred during the Panchayat elections as a result of party faction. He further argued that the injury attributed to the petitioner is on the left thigh of the complainant, which is on non-vital part and was not declared dangerous to life, hence the offence under Section 307 IPC is not made out. He further argued that there is only one injury on the person of the complainant. There is no injury on the person of Gurmail

Singh.

The FIR has been registered on the statement of complainant-Harpal Singh on the allegations that the accused-petitioner attacked him and Gurmail Singh and inflicted injury with 32 bore revolver. 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 and the injury attributed to the petitioner is not dangerous to life as it is on non-vital part, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Additional Chief Judicial Magistrate, Barnala has sent his report dated 24.3.2015 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 Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for 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 Deputy 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.64 dated 28.7.2014 (Annexure-P.1) registered for the offences under Section 307 IPC and Sections 25 and 27 of the Arms Act at Police Station Rureke Kalan, District Barnala and all subsequent proceedings arising out of the same are hereby quashed.

January 19, 2016.

(Inderjit Singh)
Judge

hsp