

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-35175 of 2015

.....

Date of decision:21.10.2016

Vinod Kumar alias Shintu

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Present: Mr. Sumeet Puri, Advocate for the petitioner.

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

None for the complainant-respondents No.2 and 3.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.51 dated 16.6.2014 registered for the offences under Sections 307, 427, 452, 324, 506 and 34 IPC at Police Station Rampura Phul, District Bathinda 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-Deepak Goyal on the allegations that the petitioner along with his accomplice attacked the complainant and his mother and inflicted injuries to them. This petition has been filed by the petitioner only qua him. His co-accused, who has inflicted 'Kirpan' blow towards the head of the complainant with an intention to kill him has not filed petition. Now with the intervention of respectable persons, the matter has been amicably settled

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between the parties and they have resolved their dispute amongst themselves with the help of respectable persons known to both the parties. Respondents No.2 and 3 have no objection if the above mentioned FIR is quashed qua the petitioner only.

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, Phul, has sent his report dated 20.11.2015 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 Assistant Advocate General, Punjab, on instructions from the Investigating Officer admits the factum of compromise and submits 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 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

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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.51 dated 16.6.2014 registered for the offences under Sections 307, 427, 452, 324, 506 and 34 IPC at Police Station Rampura Phul, District Bathinda and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner only.

October 21, 2016.

(Inderjit Singh)
Judge

hsp

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