

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-35199 of 2015

.....

Date of decision:30.11.2016

Gopal Krishan and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Namit Gautam, Advocate for the petitioners.

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

None 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.250 dated 9.10.2007 registered for the offences under Sections 447, 427, 336, 149 and 148 IPC and Sections 25 and 27 of the Arms Act at Police Station Sadar, Ferozepur, District Ferozepur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.1).

The FIR has been registered on the statement of complainant-Ashok Kumar Garg on the allegations that the accused-petitioners along with 5-6 tractor trolleys demolished the walls of the school and broke the swings and plants alongwith other persons and fired shots on them. Now with 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 Additional Chief Judicial Magistrate, Ferozepur has sent his report dated 18.11.2016 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 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 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, this petition is allowed and FIR No.250 dated 9.10.2007 registered for the offences under Sections 447, 427, 336, 149 and 148 IPC and Sections 25 and 27 of the Arms Act at Police Station Sadar, Ferozepur, District Ferozepur and all subsequent proceedings arising out of the same are hereby quashed.

November 30, 2016.

(Inderjit Singh)
Judge

hsp

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