

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-36987 of 2015

.....

Date of decision:22.3.2016

Baaj Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(2) Criminal Misc. No.M-37077 of 2015

.....

Sukhchain Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Munish Raj, Advocate for the petitioners in Cr. Misc. No.M-36987 of 2015 and for the respondent No.2 in Cr. Misc. No.M-37077 of 2015.

Mr. Ajay Arora, Advocate for the petitioners in Cr. Misc. No.M-37077 of 2015 and for respondents No.2 and 3 in Cr. Misc. No.M-36987 of 2015.

Mr. Varun Sharma, 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-36987 of 2015 filed under Section 482 Cr.P.C. for quashing of FIR No.95 dated 19.7.2013

registered for the offences under Sections 324, 323, 326, 148 and 149 IPC (later on Section 326 IPC was deleted) at Police Station Lopoke, District Amritsar (Rural) and Criminal Misc. No.M-37077 of 2015 filed for quashing of cross-case registered vide DDR No.25 dated 19.7.2013 for the offences under Sections 324, 323, 326, 148 and 149 IPC in FIR No.95 dated 19.7.2013 as well as all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR and the DDR were got 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 Judicial Magistrate Ist Class, Ajnala has sent his two reports No.42 and 43 dated 10.3.2016 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.95 dated 19.7.2013 registered for the offences under Sections 324, 323, 326, 148 and 149 IPC (later on Section 326 IPC was deleted) at Police Station Lopoke, District Amritsar (Rural) and cross-case registered vide DDR No.25 dated 19.7.2013 for the offences under Sections 324, 323, 326, 148 and 149 IPC in FIR No.95 dated 19.7.2013 as well as all other subsequent proceedings arising out of the same are hereby quashed.

March 22, 2016.

(Inderjit Singh)
Judge

hsp