

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-37281 of 2015

.....

Date of decision:22.3.2016

Raghubir Singh alias Sanju and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(2) Criminal Misc. No.M-3856 of 2016

.....

Hardeep Singh and another

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(3) Criminal Misc. No.M-5263 of 2016

.....

Harpreet Singh alias Rimpu and others

.....Petitioners

v.

Raghubir Singh and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. B.S. Bhalla, Advocate for the petitioners in Cr. Misc. No.M-37281 of 2015 and Cr. Misc. No.M-3856 of 2016 and for respondents No.1 to 5 in Cr. Misc. No.M-5263 of 2016.

Mr. Harneet Singh Oberoi, Advocate for the petitioners in Cr. Misc. No.M-5263 of 2016 and for respondents No.2 to 6 in Cr. Misc. Nos.M-37281 of 2015 and 3856 of 2016.

Ms. Shivali, Assistant Advocate General, Punjab for the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned three criminal miscellaneous petitions i.e. Criminal Misc. No.M-37281 of 2015 and 3856 of 2016 filed under Section 482 Cr.P.C. for quashing of FIR No.115 dated 25.5.2015 registered for the offences under Sections 451, 324, 323, 325, 326, 379 (Sections 326 and 379 IPC have already been deleted), 148 and 149 IPC at Police Station Kotwali, District Patiala and Criminal Misc. No.M-5263 of 2016 for quashing of DDR No.67 dated 25.5.2015 registered at Police Station Kotwali, District Patiala (cross-version) of FIR No.115 dated 25.5.2015 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 three petitions as dispute arose as a result of fight between the parties in which injuries were received by all the parties. These are cases 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 Chief Judicial Magistrate, Patiala has sent her three reports dated 30.11.2015 and 19.3.2016 in the three 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.115 dated 25.5.2015 registered for the

offences under Sections 451, 324, 323, 325, 326, 379 ((Sections 326 and 379 IPC have already been deleted), 148 and 149 IPC at Police Station Kotwali, District Patiala and DDR No.67 dated 25.5.2015 registered at Police Station Kotwali, District Patiala (cross-version) of FIR No.115 dated 25.5.2015 as well as all other subsequent proceedings arising out of the same are hereby quashed.

March 22, 2016.

(Inderjit Singh)
Judge

hsp