

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

(1) Crl. Misc. M 38045 of 2015 (O&M)
Date of decision: 18.11.2016

Balwinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

(2) Crl. Misc. M 40289 of 2015 (O&M)

Sumandeep Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. PPS Tung, Advocate
for the petitioners in both the cases.

Mr. Mr. Mikail Kad, AAG, Punjab.

Mr. SN Sharma, Advocate,
for respondent No.2 in both the cases.

JAISHREE THAKUR, J. (Oral)

This order shall dispose of the above titled two petitions, as they arise out of the same set of facts. However, for the sake of convenience facts are extracted from Crl. Misc. No. 38045 of 2015.

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 48 dated 1.5.2015 (Annexure P/1) registered under Sections 307, 353, 186, 332, 323, 506, 427, 447, 511, 148 and 149 IPC at Police Station Dialpura, District Bathinda and

all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant—Jagmeet Singh on the allegations that 1.5.2015, some villagers of Hamirgarh were trying to take possession of 6 kanals panchayati land. The complainant received the information and he, along with police party, and Duty Magistrate reached the spot, but the villagers did not listen to them. They started throwing stones and bricks at respondent No.2 and the police party and also used filthy language threatening to kill respondent No.2 and, therefore, he got the aforesaid FIR registered against the accused-petitioners. 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, they were directed to appear before Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the Judicial Magistrate Ist Class, Phul, stating 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 and learned counsel for the 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 parties and have also gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, a 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.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No. 48 dated 1.5.2015 (Annexure P/1) registered under Sections 307, 353, 186, 332, 323, 506, 427, 447, 511, 148 and 149 IPC at Police Station Dialpura, District Bathinda, and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

18.11.2016

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
No