

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.8337 of 2016 and
Criminal Misc. No.M-38803 of 2015 (O&M)

.....

Date of decision:12.8.2016

Balbir Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(2) Criminal Misc. No.M-41122 of 2015

.....

Karamjit Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. J.S. Moudgil, Advocate for the petitioners in Cr. Misc.
No.M-38803 of 2015 and for respondent No.2 in Cr. Misc.
No.M-41122 of 2015.

Mr. Janak Singh Bhinder, Advocate for the petitioners in Cr.
Misc. No.M-41122 of 2015 and for complainant-respondents
No.2 to 4 in Cr. Misc. No.M-38803 of 2015.

Mr. D.S. Virk, Assistant Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

Cr. Misc. No.8337 of 2016:

This application has been filed for restoration of above
mentioned case to its original number.

Heard. The application is allowed. The main case i.e. Cr. Misc.

No.M-38803 of 2015 is restored to its original number.

Cr. Misc. No.38803 of 2015 &
Cr. Misc. No.41122 of 2015:

This order will dispose of the above mentioned two petitions filed under Section 482 Cr.P.C. i.e. Cr. Misc. No.M-38803 of 2015 praying for quashing of FIR No.56 dated 1.5.2014 (Annexure-P.1) registered for the offences under Sections 451 (wrongly mentioned as Section 452 IPC in the head note), 323, 148 and 149 IPC and (Section 325 IPC which was added later on) at Police Station Julkan, District Patiala and Cr. Misc. No.M-41122 of 2015 filed for quashing of DDR No.16 dated 1.5.2014 registered for the offences under Sections 325, 323, 341, 201, 148 and 149 IPC in FIR No.56 dated 1.5.2014 and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

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, Patiala has sent her report dated 9.6.2016 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.56 dated 1.5.2014 (Annexure-P.1) registered for the offences under Sections 451 (wrongly mentioned as Section 452 IPC in the head note), 323, 148 and 149 IPC and (Section 325 IPC, which was added later on) at Police Station Julkan, District Patiala and

DDR No.16 dated 1.5.2014 registered for the offences under Sections 325, 323, 341, 201, 148 and 149 IPC in FIR No.56 dated 1.5.2014 and all subsequent proceedings arising out of the same are hereby quashed.

August 12, 2016.

(Inderjit Singh)
Judge

hsp

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