

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-4090 of 2016 (O&M)

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Date of decision:28.3.2016

Surjit Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Buta Singh Bairagi, Advocate for the petitioners.

Mr. A.S. Klar, Deputy Advocate General, Punjab
for the respondent-State.

None for the complainant-respondents No.4 and 5.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.12 dated 16.1.2016 (Annexure-P.1) registered for the offences under Sections 506 and 34 IPC and Sections 3 and 4 of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Nihal Singh Wala, District Moga and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Amandeep Kaur on the allegations that the accused-petitioners want to encroach in 20 Marlas plot purchased by respondents No.4 and 5 without any legal right and gave threat and used abusive language against them.

Petitioner Surjit Singh, who was called by Pritpal Kaur on her mobile, came armed with double barrel gun and pointed the same towards the chest of complainant's husband and tried to shoot him and by abusing said to her husband "Why you come here, I want to occupy this place". After that Pritpal Kaur and Swaran Kaur slapped the complainant on her face and Makhan Singh said that they will purchase this land and Surjit Singh pushed the complainant by holding her hair due to which she fell on the ground and her clothes were torn. 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 learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Sub Divisional Judicial Magistrate, Nighal Singh Wala has sent his report dated 29.2.2016 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 Deputy 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 Deputy 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.12 dated 16.1.2016 (Annexure-P.1) registered for the offences under Sections 506 and 34 IPC and Sections 3 and 4 of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Nihal Singh Wala, District Moga and all subsequent proceedings arising out of the same are hereby quashed.

March 28, 2016.

(Inderjit Singh)
Judge

hsp