

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-41275 of 2016 (O&M)

Date of decision: December 23, 2016

Harmail Singh alias Ramesh and others

...Petitioners

Versus

Jasvir Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Yogesh Goel, Advocate
for the petitioners.

Mr. Saurabh Kapoor, Advocate
for respondent No.1.

Mr. Varun Sharma, AAG, Punjab.

INDERJIT SINGH, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of complaint No.5/1 dated 07.01.2010 titled as “Jasvir Singh versus Harmail Singh alias Ramesh and others” filed under Sections 307, 325, 323, 506, 148 and 149 of Indian Penal Code (Annexure P-1), summoning order dated 12.02.2012 (Annexure P-2) and impugned order dated 26.07.2016 (Annexure P-3), vide which learned trial Court has dismissed the application for withdrawal of the complaint on the basis of compromise and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-4) entered into between the parties.

The complaint in the present case has been filed by complainant-Jasvir Singh on the allegations that accused/petitioners with a view to kill the complainant ran the tata safari over the complainant.

Now with the intervention of respectable persons, the matter has been amicably settled between the parties and they have resolved their dispute amongst themselves with the help of respectable persons known to both the parties. It has been mentioned that both the parties have cleared all their grievances between them and the complainant is duly satisfied and in order to keep peace and harmony between both the parties and to live peacefully in future the complainant does not want to pursue this complaint against the accused.

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, Payal, has sent report dated 06.12.2016 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 Assistant Advocate General, Punjab 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 complaint 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*, this petition is allowed and complaint No.5/1 dated 07.01.2010 titled as “Jasvir Singh versus Harmail Singh alias Ramesh and others” filed under Sections 307, 325, 323, 506, 148 and 149 of Indian Penal Code (Annexure P-1), summoning order dated 12.02.2012 (Annexure P-2) and impugned order dated 26.07.2016 (Annexure P-3), vide which learned trial Court has dismissed the application for withdrawal of the complaint and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners, on the basis of compromise.

December 23, 2016

parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No