

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-41873 of 2015

.....

Date of decision:8.4.2016

Sabha alias Angrej Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sarbjit Singh, Advocate for the petitioners.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. G.S. Thind, Advocate for complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.291 dated 29.11.2015 (Annexure-P.1) registered for the offences under Sections 279 and 308 IPC at Police Station Sultanwind, District Amritsar and all subsequent proceedings arising therefrom in view of the compromise/affidavit (Annexures-P.2/P3).

Learned counsel for the petitioner argued that the offence under Section 308 IPC has been deleted.

The FIR has been registered on the statement of complainant-Inderjit Singh on the allegations that the accused-petitioner Sabha, who was driving his car at a high speed, hit the same car straight in his scooter which was parked in front of their house and the children, who were sitting on it,

fell down and they received minor injuries. The petitioner along with his accomplices were under the influence of liquor and they ran away from the spot. 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 Judicial Magistrate Ist Class, Amritsar has sent her report dated 4.4.2016 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, 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 petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 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

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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.291 dated 29.11.2015 (Annexure-P.1) registered for the offences under Sections 279 and 308 IPC at Police Station Sultanwind, District Amritsar and all subsequent proceedings arising out of the same are hereby quashed.

April 8, 2016.

(Inderjit Singh)
Judge

hsp