

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-41978 of 2015

.....

Date of decision:21.1.2016

Nirmal Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

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(2) Criminal Misc. No.M-41992 of 2015

.....

Jit Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Prateek Pandit, Advocate for the petitioners in Cr. Misc. No.M-41978 of 2015 and for respondent No.2 in Cr. Misc. No.M-41992 of 2015.

Mr. Amit Kohar, Advocate for the petitioners in Cr. Misc. No.M-41992 of 2015 and for respondent No.2 in Cr. Misc. No.M-41978 of 2015.

Ms. Shivali, Assistant Advocate General, Punjab for the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal miscellaneous petitions i.e. Criminal Misc. No.M-41978 of 2015 filed under Section 482 Cr.P.C. for quashing of FIR No.38 dated 6.6.2013

registered for the offences under Sections 452, 324, 323, 326, and 34 IPC (Section 326 IPC was added later on) at Police Station Bholath, District Kapurthala and Criminal Misc. No.M-41992 of 2015 filed for quashing of cross-version registered vide Report No.24 dated 5.6.2013 for the offences under Sections 323, 427 and 34 IPC in FIR No.38 dated 6.6.2013 as well as all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR and the cross-version 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, Kapurthala has sent her two reports dated 18.12.2015 in both the cases 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 cross-version 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.38 dated 6.6.2013 registered for the offences under Sections 452, 324, 323, 326, and 34 IPC (Section 326 IPC was added later on) at Police Station Bholath, District Kapurthala and cross-version registered vide Report No.24 dated 5.6.2013 for the offences under Sections 323, 427 and 34 IPC in FIR No.38 dated 6.6.2013 as well as all other subsequent proceedings arising out of the same are hereby quashed.

January 21, 2016.

(Inderjit Singh)
Judge

hsp