

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-23691 of 2015

.....

Date of decision:18.1.2016

Gursewak Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. K.B. Raheja, Advocate for the petitioner.

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

None for complainant-respondent No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.88 dated 28.4.2013(Annexure-P.1) registered for the offences under Section 336 IPC read with Section 27 of the Arms Act at Police Station Sadar Ferozepur, District Ferozepur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Joga Singh on the allegations that the accused-petitioner attacked him and inflicted injuries and stolen his wheat crop. The FIR was registered for the offences under Sections 307, 379, 147, 148 and 149 IPC and Section 27 of the Arms Act against the petitioner and other accused, but on inquiry the Police found the incident only against the petitioner for the offences under Section 336 IPC and Section 27 of the Arms Act. Now with the intervention

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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 Additional Chief Judicial Magistrate, Ferozepur has sent his report dated 2.1.2016 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 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 petitioner 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.

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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.88 dated 28.4.2013(Annexure-P.1) registered for the offences under Section 336 IPC read with Section 27 of the Arms Act at Police Station Sadar Ferozepur, District Ferozepur and all subsequent proceedings arising out of the same are hereby quashed qua petitioners.

January 18, 2016.

(Inderjit Singh)
Judge

hsp