

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-43400 of 2016 (O&M)

Date of decision: December 23, 2016

Harnek Singh alias Gurnek Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. A.S.Saini, Advocate
for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

Mr. Balraj Singh Sidhu, Advocate
for respondent No.2.

INDERJIT SINGH, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.220 dated 22.09.2014, registered at Police Station Guruharsahai, District Ferozepur, under Sections 353, 186, 427 and 34 of Indian Penal Code and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2) entered into between the parties.

The FIR has been registered on the statement of complainant-Kundan Singh on the allegations that the accused-petitioners broke the glass and indicator of the bus and quarreled with him and with his companion. Now with the intervention of respectable persons, the matter

has been amicably settled and compromise has been entered into between the parties, therefore, 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, Guruhar Sahai has sent report dated 16.12.2016 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, 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 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 FIR No.220 dated 22.09.2014, registered at Police Station Guruharsahai, District Ferozepur,

under Sections 353, 186, 427 and 34 of Indian Penal Code and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

December 23, 2016

parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No