

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-43803 of 2015

.....

Date of decision:18.2.2016

Kuldeep Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Manpreet Singh Sidhu, Advocate for Mr. Bikramjeet Singh Jatana, Advocate for the petitioners.

Mr. Sidakmeet Sandhu, Assistant Advocate General, Punjab for the respondent-State.

None for the complainant-respondent No.2.

.....

**Inderjit Singh, J.**

This petition has been filed by the petitioners under Section 482 Cr.P.C. praying for quashing of FIR No.88 dated 16.9.2015 (Annexure-P.1) for the offences under Sections 307 and 120-B IPC registered at Police Station Boha, District Mansa and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2) entered into between the parties.

Learned counsel for the petitioners argued that it is a no injury case and the matter has already been settled between the parties, therefore, offence under Section 307 IPC is not made out.

The FIR in the present case has been registered on the statement of Jagtar Singh-complainant on the allegations that the

[2]

petitioners tried to give some poisonous thing to the complainant after mixing it in the ice cream, but there is no medico-legal report nor any expert opinion was taken by the Police. Thus, in the absence of any opinion the above said offence is not made out against the petitioners. Now with 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, Budhlada has sent her report dated 9.2.2016 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

[3]

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.88 dated 16.9.2015 (Annexure-P.1) for the offences under Sections 307 and 120-B IPC registered at Police Station Boha, District Mansa and all consequential proceedings arising out of the same are hereby quashed.

February 18, 2016.

**(Inderjit Singh)**  
**Judge**

\*hsp\*