

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-43956 of 2015

.....

Date of decision:29.7.2016

Brahmjit Singh alias Bhamma and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Bhupinder Kaur, Advocate for the petitioners.

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

None for the 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.88 dated 15.9.2015 (Annexure-P.1) registered for the offences under Sections 307, 324, 341, 323, 506, 148 and 149 IPC at Police Station City Raikot, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

Learned counsel for the petitioners argued that no injury dangerous to life has been inflicted by the petitioners as they were not present at the spot and they have no concern with the occurrence. The complainant had mentioned their names in the FIR on the asking of the persons present at the time of occurrence. At the time of occurrence, when the assailants attacked him, their faces were wrapped with clothes, so he

could not identify them properly.

The FIR has been registered on the statement of complainant-Jagroop Singh on the allegations that the accused-petitioners armed with weapons attacked him and inflicted injuries. 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, Jagraon has sent her report dated 12.7.2016 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

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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.88 dated 15.9.2015 (Annexure-P.1) registered for the offences under Sections 307, 324, 341, 323, 506, 148 and 149 IPC at Police Station City Raikot, District Ludhiana and all subsequent proceedings arising out of the same are hereby quashed.

July 29, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No