

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-4878 of 2016 (O&M)

.....

Date of decision:28.3.2016

Bhupinder Kumar and another

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Siddharth Gupta, Advocate for the petitioners.

Mr. A.S. Klar, Deputy Advocate General, Punjab
for the respondent-State.

None for the complainant-respondents No.2 and 3.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.189 dated 28.9.2010 (Annexure-P.1) registered for the offences under Sections 323, 342, 351, 425, 500, 506 and 34 IPC at Police Station Muktsar City, District Sri Muktsar Sahib and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Kewal Singh on the allegations that the accused-petitioners attacked him and his wife and inflicted injuries. They told in the public that the complainant is a bad character and accused No.2 made gesture by shaking complainant's wife and she came out of the illegal restrain of the accused

very hardly and when they tried to escape themselves, accused No.1 snatched watch of the complainant and threw it in the open drain near the place of the occurrence. They were rescued by the intervention of some people but the accused threatened to kill the complainant if he made complaint against them anywhere. 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 Chief Judicial Magistrate, Sri Mukstar Sahib has sent her report dated 19.3.2016 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 Deputy 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 Deputy 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.189 dated 28.9.2010 (Annexure-P.1) registered for the offences under Sections 323, 342, 351, 425, 500, 506 and 34 IPC at Police Station Muktsar City, District Sri Muktsar Sahib and all subsequent proceedings arising out of the same are hereby quashed.

March 28, 2016.

(Inderjit Singh)
Judge

hsp