

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-5394 of 2016

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Date of decision:28.3.2016

Major Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Jashandeep Singh Sandhu, Advocate for the petitioners.

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

Mr. Sansar Kundu, Advocate 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.42 dated 26.5.2015 (Annexure-P.1) registered for the offences under Sections 307, 379, 452, 447, 427, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Kabarwala, District Sri Muktsar Sahib and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2) entered into between the parties.

The FIR in the present case has been got registered by complainant-Major Singh son of Pritam Singh on the allegations that the accused-petitioners armed with weapons came on tractor trolley and one Bolero vehicle towards them. Kulwant Singh and Vicky Kang upon getting down fired two gun shots in air and Major Singh son of Karnail Singh upon

coming with an intention to kill fired a straight shot from his 12 bore gun at complainant's brother Darshan Singh, who ran away and got behind the concrete rooms and one fire shot hit on the wall. Then Jaskaran Singh fired a shot towards him with an intention to kill. He also ran away and got behind concrete rooms and the remaining accused persons started issuing threats to kill them and broke their scooter and broke open the lock of their room and started throwing the goods, crates and utensils in tractor trolley and said while raising voice to get out of their land, they ran towards the river because of fear. Now with the intervention of respectable persons, the matter has been amicably settled between the parties and they have resolved their dispute amongst themselves with the help of respectable persons known to both the parties. Respondent No.2 has no objection if the above mentioned FIR is quashed.

Learned counsel for the petitioners argued that it is a no injury case and the matter has been amicably compromised between the parties.

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, Malout, has sent his report dated 21.3.2016 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 and learned counsel for the complainant-

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respondent No.2 admit the factum of compromise and submit 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 learned counsel for complainant-respondent No.2 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.42 dated 26.5.2015 (Annexure-P.1) registered for the offences under Sections 307, 379, 452, 447, 427, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Kabarwala, District Sri Muktsar Sahib and all subsequent proceedings arising out of the same are hereby quashed.

March 28, 2016.

(Inderjit Singh)
Judge

hsp