

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-10694 of 2017

.....

Date of decision:4.7.2017

Gurjit Singh alias Geeta and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Rajan Singh Dadwal, Advocate for the petitioners.

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

Mr. O.P. Sharda, Advocate for Ms. Neha Rathi, Advocate for
complainant-respondents No.2 to 4.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.100 dated 23.5.2013 (Annexure-P.1) registered for the offences under Sections 452, 323, 294, 506, 148, 149 and 336 IPC and Sections 25 and 27 of the Arms Act at Police Station Sadar Jagraon, District Ludhiana (Rural) and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Jagjiwan Singh alias Jiwan Singh on the allegations that the accused-petitioners armed with weapons suddenly entered their house by jumping the gate and raised a 'Lalkara' that "don't spare Jeevan as he considers

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himself a big leader” and they started beating the complainant while he was eating food. On raising alarm his mother and sister-in-law came outside, who raised alarm and then the aforesaid persons after seeing the gathering of neighbours ran away from the spot by opening their gate along with their weapons. They inflicted injuries to the complainant, abused and threatened him. Gurjit Singh alias Geeta fired in air from his 12 bore gun with intention to threaten and terrorize them. 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 report dated 7.6.2017 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-respondents No.2 to 4 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 parties as well as learned State counsel 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.100 dated 23.5.2013 (Annexure-P.1) registered for the offences under Sections 452, 323, 294, 506, 148, 149 and 336 IPC and Sections 25 and 27 of the Arms Act at Police Station Sadar Jagraon, District Ludhiana (Rural) and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

July 4, 2017.

(Inderjit Singh)
Judge

hsp

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