

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-12005 of 2017

.....

Date of decision:28.4.2017

Ashok Kumar and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Rajbir Singh, Advocate for the petitioners.

Mr. J.S. Bhullar, Assistant Advocate General, Punjab
for the respondent-State.

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

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.119 dated 10.12.2014 (Annexure-P.1) registered for the offences under Sections 452, 336, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Boha, District Mansa and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Ramesh Kumar on the allegations that the accused-petitioners, who were armed with weapons, exhorted collectively that throw Ramesh Kumar and others out of the house and after taking possession lock out the house. On this, Happy Rani and her brothers became angry and Prem Kumar snatched

the pistol, which was held in the right hand of Ashok Kumar and aimed the same on the complainant and fired directly with an intention to kill him. The fire shot hit the window and the complainant ran out in the street. The residents of the village gathered and Ranbir Singh Sarpanch made a phone call at the Police Station and the Police personnel arrived from Police Station, Boha and they took both the parties to the Police Station. 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, Budhlada, has sent his report dated 19.4.2017 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 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 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.119 dated 10.12.2014 (Annexure-P.1) registered for the offences under Sections 452, 336, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Boha, District Mansa and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

April 28, 2017.

(Inderjit Singh)
Judge

hsp

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