

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-13597 of 2017

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Date of decision:11.7.2017

Daljeet Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Naveen Batra, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior Deputy 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.31 dated 9.3.2015 (Annexure-P.1) registered for the offences under Sections 295, 452, 323 and 34 IPC at Police Station Mukerian, District Hoshiarpur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Malkiat Singh on the allegations that the accused-petitioner along with his accomplices 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 Sub Divisional Judicial Magistrate, Mukerian has sent report dated 10.5.2017 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. It has been stated that two other accused persons, namely, Karnail Singh son of Bahadur Singh and Gurmit Kaur wife of Jarnail Singh have been arrayed in the present FIR. Out of the said two accused persons, accused Gurmit Kaur has been placed in column No.2 of challan and accused Karnail Singh expired during the pendency of trial and proceedings against him has already been abated vide order dated 23.2.2017 passed by the trial Court.

Learned Senior 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 petitioner 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

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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.31 dated 9.3.2015 (Annexure-P.1) registered for the offences under Sections 295, 452, 323 and 34 IPC at Police Station Mukerian, District Hoshiarpur and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

July 11, 2017.

(Inderjit Singh)
Judge

hsp

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