

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-15666 of 2017

.....

Date of decision:25.9.2017

Gurmeet Singh alias Geeta and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

(2) Criminal Misc. No.M-16093 of 2017

.....

Maninderpal Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Manpreet Singh, Advocate for the petitioners in Cr.
Misc. No.M-15666 of 2017 and for respondent No.2 in Cr.
Misc. No.M-16093 of 2017.

Mr. Parampreet Singh Bajwa, Advocate for the petitioners in
Cr. Misc. No.M-16093 of 2017 and for respondent No.2 in Cr.
Misc. No.M-15666 of 2017.

Mr. Kuldeep Singh, Senior Deputy Advocate General,
Punjab for the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal

miscellaneous petitions i.e. Criminal Misc. No.M-15666 of 2017 filed under Section 482 Cr.P.C. for quashing of FIR No.0098 dated 5.7.2016 registered for the offences under Sections 307, 342, 427, 506, 148 and 149 IPC at Police Station Sadar, Jagraon, District Ludhiana and Criminal Misc. No.M-16093 of 2017 filed for quashing of Rapat No.009 dated 5.7.2016 registered for the offences under Sections 451, 323, 427, 506 IPC and (Section 325 IPC, which was added later on) in FIR No.0098 dated 5.7.2016 and all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR and the Rapat were got registered against each other by the petitioners of both the petitions as dispute arose as a result of fight between the parties in which injuries were received by both the parties. This is a case of version and cross-version. Now with the intervention of respectable persons, both the parties have arrived at an amicable settlement and have effected a compromise.

Learned counsel for the petitioners contends that no injury dangerous to life has been inflicted to the complainant in Criminal Misc. No.M-15666 of 2017, hence no offence under Section 307 IPC is made out. He also argued that compromise has been entered into between the parties and all the disputes have been resolved amicably.

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, Jagraon has sent

two reports dated 22.5.2017 in both the cases submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine.

Learned Senior Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainants 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 and the Rapat 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, these petitions are allowed. FIR No.0098 dated 5.7.2016 registered for the offences under Sections 307, 342, 427, 506, 148 and 149 IPC at Police Station Sadar, Jagraon, District Ludhiana and Rapat No.009 dated 5.7.2016

registered for the offences under Sections 451, 323, 427, 506 IPC and (Section 325 IPC, which was added later on) in FIR No.0098 dated 5.7.2016 and all other subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

September 25, 2017.

(Inderjit Singh)
Judge

hsp

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