

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-19054 of 2016

.....

Date of decision:29.11.2017

Sudagar Singh and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Munish Thakur, Advocate for Mr. Manoj Kumar Joshi,
Advocate the petitioners.

Ms. Simranjeet Kaur, Assistant Advocate General, Punjab
for the respondent-State.

Mr. L.S. Bhullar, Advocate for 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.39 dated 28.3.2016 (Annexure-P.1) registered for the offences under Sections 336 and 506 IPC and Section 27 of the Arms Act and (Sections 224, 225 and 435 IPC, which were added later on) at Police Station Sadar Ludhiana, District Ludhiana City and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Harpal Singh on the allegations that the accused-petitioners abused and threatened the complainant and his mother and fired shot. It has been mentioned in the petition that the complainant and the petitioners are relatives and reside in the same village. Petitioner No.1 is the real uncle of

the complainant, whereas petitioner No.2 is his cousin. 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, Ludhiana has sent report dated 21.11.2017 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 and learned counsel for the complainant-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 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

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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.39 dated 28.3.2016 (Annexure-P.1) registered for the offences under Sections 336 and 506 IPC and Section 27 of the Arms Act and (Sections 224, 225 and 435 IPC, which were added later on) at Police Station Sadar Ludhiana, District Ludhiana City and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

November 29, 2017.

(Inderjit Singh)
Judge

hsp

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