

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-18124 of 2015

.....

Date of decision:4.10.2017

Pal Singh alias Pala and another

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Present: Mr. Vaibhav Narang, Advocate for the petitioners.

Mr. Ayush Sarna, Assistant Advocate General, Punjab for the respondent-State.

Mr. Subhash Chand, Advocate 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.134 dated 7.11.2010 (Annexure-P.1) registered for the offences under Sections 323, 324, 148 and 149 IPC and (Section 307 IPC, which was added later on) at Police Station Gate Hakima, District Amritsar City and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3) entered into between the parties.

The FIR in the present case has been got registered by complainant-Sajan Bhatti on the allegations that the petitioners attacked him and respondent No.3 and inflicted injuries.

Learned counsel for the petitioners argued that the co-accused, namely, Palwinder Jit Singh alias Balwinder alias Kala and Balbir Singh

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have been acquitted of the charges framed against them by the learned Additional Sessions Judge, Amritsar vide judgments dated 16.11.2012 and 10.12.2012 respectively. He argued that the complainant, namely, Sajan Bhatti, has been declared hostile in the said trial. He further states that after the acquittal of the co-accused, namely, Palwinder Jit Singh alias Balwinder alias Kala and Balbir Singh, a compromise has been arrived at between the parties and it is on this basis, quashing of aforesaid FIR has been sought. As the matter has been amicably settled between the parties and they have resolved their dispute amongst themselves with the help of respectable persons known to both the parties, they were directed to appear before the learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Additional Sessions Judge, Amritsar, has sent her report dated 19.12.2016 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-respondents No.2 and 3 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

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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.134 dated 7.11.2010 (Annexure-P.1) registered for the offences under Sections 323, 324, 148 and 149 IPC and (Section 307 IPC, which was added later on) at Police Station Gate Hakima, District Amritsar City and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

October 4, 2017.

(Inderjit Singh)
Judge

hsp

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