

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-23319 of 2017

.....

Date of decision:20.9.2017

Lakhwinder Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(2) Criminal Misc. No.M-23489 of 2017

.....

Satnam Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Rahul Bhargava, Advocate for the petitioners in Cr.
Misc. No.M-23319 of 2017 and for respondents No.2 and 3 in
Cr. Misc. No.M-23489 of 2017.

Ms. Ruhani Chadha, Advocate for the petitioners in Cr.
Misc. No.M-23489 of 2017 and for respondents No.2 and 3 in
Cr. Misc. No.M-23319 of 2017.

Mr. Ajay Pal Singh, 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-23319 of 2017 filed under Section 482 Cr.P.C. for quashing of FIR No.67 dated 27.4.2017 registered for the offences under Sections 452, 307, 427, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Ajnala, District Amritsar Rural and Criminal Misc. No.M-23489 of 2017 filed for quashing of Rapat No.4 dated 30.4.2017 registered for the offences under Sections 307, 323 and 34 IPC and Sections 25 and 27 of the Arms Act in FIR No.67 dated 27.4.2017 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.

Learned counsel for the parties argued that the cases are at preliminary state and challans have not been filed.

Now with the intervention of respectable persons, both the parties have arrived at an amicable settlement and have effected a compromise.

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, Ajnala has sent two reports dated 8.9.2017 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 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.67 dated 27.4.2017 registered for the offences under Sections 452, 307, 427, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Ajnala, District Amritsar Rural and Rapat No.4 dated 30.4.2017 registered for the offences under Sections 307, 323 and 34 IPC and Sections 25 and 27 of the Arms Act in FIR No.67 dated

27.4.2017 and all other subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

September 20, 2017.

(Inderjit Singh)
Judge

hsp

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