

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-23705-2017
Date of Decision: 15.09.2017**

Baljinder Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Joginder Kaur, Advocate for
Mr. R. S. Malhotra, Advocate
for the petitioners.

Mr. M. S. Nagra, AAG, Punjab.

Mr. Navneet Jindal, Advocate
for respondents No. 2 to 5.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 53 dated 16.05.2017, under Sections 452, 354, 323, 427, 148 and 149 of the IPC, registered at Police Station Bholath, District Kapurthala and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

The aforesaid FIR was registered on the statement of complainant/respondent No. 2 Surinder Kaur with the allegations that on 12.05.2017, she along with her daughter-in-law Kulwinder Kaur and

grandson Karamjit Singh were present at their house. At about 9.30 am, Baljinder Singh, Baljodh Singh @ Jodha and Manga, all armed with *Datar* along with other four young boys entered into the house of the complainant and on seeing all those persons, her daughter-in-law asked her son Karamjit Singh to run away fearing that they had come to kill him. The complainant and her daughter-in-law tried to stop them, on which, they attacked them and beat them with *Datar* and also misbehaved with them. On raising raula, Amarjit Singh, son of the complainant, came there to rescue them, however, accused persons gave beatings to him also. Consequently, the aforesaid FIR was registered. Now with the intervention of respectable persons, the dispute has been amicably settled between the parties and they have entered into a compromise.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial Court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from JMIC, Kapurthala, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer, and learned counsel for respondents No. 2 to 5 admit to the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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 rival parties and gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, a 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.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in *Narinder Singh & others vs. State of Punjab & another, (2014) 6 SCC 466*, this petition is allowed and FIR No. 53 dated 16.05.2017, under Sections 452, 354, 323, 427, 148 and 149 of the IPC, registered at Police Station Bholath, District Kapurthala and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

15.09.2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No