

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-2684 of 2017

.....

Date of decision:26.5.2017

Sumanjit Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

(2) Criminal Misc. No.M-2710 of 2017

.....

Kuldeep Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Naveen Bawa, Advocate for the petitioners in Cr. Misc. No.M-2684 of 2017 and for respondents No.2 to 4 in Cr. Misc. No.M-2710 of 2017.

Mr. Tanmoy Gupta, Advocate for Mr. Sharad Aggarwal, Advocate for the petitioners in Cr. Misc. No.M-2710 of 2017 and for the complainant-respondent No.2 in Cr. Misc. No.M-2684 of 2017.

Mr. J.S. Bhullar, Assistant Advocate General, Punjab for the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two petitions filed under Section 482 Cr.P.C. i.e. Cr. Misc. No.M-2684 of 2017 for quashing of FIR No.6 dated 21.1.2016 (Annexure-P.1) registered for the

offences under Sections 326, 323, 452, 506, 148 and 149 IPC and (Section 307 IPC, which was added later on) at Police Station Sarai Amanat Khan, District Amritsar City and Criminal Misc. No.M-2710 of 2017 for quashing of cross-case No.26 dated 23.1.2016 registered for the offences under Sections 326, 323, 452, 427, 506, 148 and 149 IPC at Police Station Sarai Amanat Khan in FIR No.6 dated 21.1.2016 and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR and the cross-case 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.

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, Tam Tarn has sent two reports dated 18.5.2017 in both the petitions 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 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 cross-case 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 Assistant Advocate General, Punjab 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 and FIR No.6 dated 21.1.2016 (Annexure-P.1) registered for the offences under Sections 326, 323, 452, 506, 148 and 149 IPC and (Section 307 IPC, which was added later on) at Police Station Sarai Amanat Khan, District Amritsar City and cross-case No.26 dated 23.1.2016 registered for the offences under Sections 326, 323, 452, 427, 506, 148 and 149 IPC at Police Station Sarai Amanat Khan in FIR No.6 dated 21.1.2016 and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

May 26, 2017.

(Inderjit Singh)
Judge

hsp

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