

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-28943 of 2016

.....

Date of decision:31.1.2017

Kiranjeet Kaur and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Gaurav Sharma, Advocate for the petitioners.

Mr. V.P.S. Sidhu, Assistant Advocate General, Punjab
for the respondent-State.

Mr. B.S. Aulakh, 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 complaint No.72 dated 1.11.2011 (Annexure-P.1) titled as “Jagraj Singh Vs. Kiranjeet Kaur and another” filed for the offences under Sections 328, 323 read with Section 34 IPC, summoning order dated 27.9.2013 and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

The complaint has been filed by the complainant-Jagraj Singh on the allegations that on 20.9.2011 at about 8.00/8.30 p.m., the complainant was surprised to see when accused-petitioner No.1-Kiranjeet Kaur prepared dinner for complainant and his mother Malkit Kaur, but mixed some unwholesome and stupefying drug/pills into the same after

concealing the same from them, with intent to eliminate the complainant and his mother and with intent to cause hurt to them and caused them to consume. After consuming the said meals, the complainant and his mother Malkit Kaur lost their senses and immediately gone to asleep and on next morning i.e. 21.9.2011 the attendants of the complainant and his mother, noticed that the complainant and his mother did not awake out of bed and noticed their sleepy and drowsiness condition. Noticing their said condition, the neighbours and relatives gathered at the spot. They were admitted in emergency on 21.9.2011. 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 Additional Sessions Judge, Barnala, has sent his report dated 11.1.2017 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 complaint in view of the law laid down by the Hon'ble Supreme Court.

[3]

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, this petition is allowed and complaint No.72 dated 1.11.2011 (Annexure-P.1) titled as "Jagraj Singh Vs. Kiranjeet Kaur and another" filed for the offences under Sections 328, 323 read with Section 34 IPC, summoning order dated 27.9.2013 and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

January 31, 2017.

(Inderjit Singh)
Judge

hsp

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