

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-2908 of 2017

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Date of decision:2.5.2017

Vikas and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. P.S. Sekhon, Advocate for Mr. Subhash Kumar, Advocate
for the petitioners.

Mr. S.S. Gill, Deputy Advocate General, Punjab
for the respondent-State.

Mr. R.S. Duggal, 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 FIR No.81 dated 18.5.2016 (Annexure-P.1) registered for the offences under Sections 323, 328 and 506 IPC at Police Station Division No.5, District Police Commissionerate, Jalandhar and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

The FIR has been registered on the statement of complainant-Lovely on the allegations that the accused-petitioner Madhu-Jethani, wife of Vikas poured some poisonous substance in her vegetable in the presence of her husband. When the complainant had taken her meal, she became unconscious, then her elder brother-in-law (Jeth), namely, Vikram took her

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to Sood Hospital and got admitted there and also called her parents. Thereafter, her health condition deteriorated, due to which she was taken to Civil Hospital, where they refused her from admitting, then her parents got admitted her at Karan Hospital. Her sister-in-law (Jethani) Madhu and her husband Vikas had given some poisonous substance. The cause of enmity is that they both want to take over the possession of their house by hurling threats to her husband Vishal. 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 Judicial Magistrate Ist Class, Jalandhar, has sent her report dated 24.4.2017 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 Deputy 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 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 Assistant Advocate General, Punjab and have gone through the record.

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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 FIR No.81 dated 18.5.2016 (Annexure-P.1) registered for the offences under Sections 323, 328 and 506 IPC at Police Station Division No.5, District Police Commissionerate, Jalandhar and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

May 2, 2017.

(Inderjit Singh)
Judge

hsp

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