

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-31746 of 2016

.....

Date of decision:28.4.2017

Rupanpreet Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. J.S. Dadwal, Advocate for the petitioner.

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

Ms. Ankita Dada, Advocate for the 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.59 dated 17.12.2015 for the offences under Sections 307, 148, 149 IPC and Sections 25 and 27 of the Arms Act registered at Police Station Mattewal, District Amritsar and all subsequent proceedings arising therefrom in view of the compromise dated 28.8.2016 (Annexure-P.2) entered into between the parties.

The FIR in the present case has been got registered by complainant-Gurjit Singh on the allegations that the petitioner armed with 12 bore rifle along with Kaka Dhianpuria armed with pistol and 8 more unknown persons armed with rifles of 315 bore, 12 bore and pistols fired in the street. Then Rupanpreet and Kaka Dhianpuria fired shots on the

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complainant and on his son with the intention to kill them. They saved their lives by hiding themselves behind the room on the terrace. The gun fire shots hit in the wall of first floor. Now with the intervention of respectable persons, the matter has been amicably settled between the parties and they have resolved their dispute amongst themselves with the help of respectable persons known to both the parties. Respondent No.2 has no objection if the above mentioned FIR is quashed qua the petitioner.

Learned counsel for the petitioner argued that it is a no injury case and the matter has been amicably compromised between the parties.

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, Baba Bakala Sahib, District Amritsar, has sent her report dated 22.12.2016 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 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.59 dated 17.12.2015 for the offences under Sections 307, 148, 149 IPC and Sections 25 and 27 of the Arms Act registered at Police Station Mattewal, District Amritsar and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner only.

April 28, 2017.

(Inderjit Singh)
Judge

hsp

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