

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-31765 of 2016

.....

Date of decision:1.6.2017

Mohd. Imran alias Lakhpati and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Present: Mr. Mohd. Salim, Advocate for the petitioners.

Mr. K.S. Aulakh, Assistant Advocate General, Punjab for the respondent-State.

Mr. Puneet Pali, Advocate for the complainant-respondents No.2 and 3.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.49 dated 19.4.2013 (Annexure-P.1) registered for the offences under Sections 307, 341, 323, 506, 148 and 149 IPC at Police Station City Malerkotla, Distt. Sangrur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2) entered into between the parties.

The FIR in the present case has been got registered by complainant-Mohd. Shahbazh on the allegations that the petitioners attacked him and respondent No.3 and inflicted injuries with their respective weapons. The above said persons gave injuries with the intention to kill the complainant. The conflict was that they had quarreled with Kaka Gujjar and

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both the parties had received injuries and the matter was got registered in City-2 Malerkotla and in the same case, the complainant got bail. 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. Respondents No.2 and 3 have no objection if the above mentioned FIR is quashed.

Learned counsel for the petitioners argued that no injury dangerous to life has been inflicted and both the parties received injuries in this 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 Additional Sessions Judge, Sangrur has sent his report dated 4.10.2016 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-respondents No.2 and 3 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.

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I have heard learned counsel for the parties as well as learned State counsel 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 FIR No.49 dated 19.4.2013 (Annexure-P.1) registered for the offences under Sections 307, 341, 323, 506, 148 and 149 IPC at Police Station City Malerkotla, Distt. Sangrur and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

June 1, 2017.

(Inderjit Singh)
Judge

hsp

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