

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-31478 of 2017

.....

Date of decision:6.11.2017

Robin Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

.....

Present: Mr. Amandeep Chhabra, Advocate for the petitioner.

Ms. Simranjeet Kaur, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Vikas Bishnoi, 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.65 dated 24.5.2017 (Annexure-P.1) registered for the offences under Sections 307, 341 and 323 IPC at Police Station Kabarwala, District Sri Muktsar Sahib and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

Learned counsel for the petitioner has submitted that from the bare reading of the FIR, no offence under Section 307 IPC is made out against the petitioner. It has also been submitted that the petitioner was minor at the time of alleged occurrence and he is aged about 17 years and the complainant was also minor and he is aged about 16 years. However,

respondent No.3 is major.

The FIR in the present case has been got registered by complainant-Jaswinder Singh (minor) through his mother Darshan Kaur on the allegations that the petitioner along with his accomplice attacked him and his brother with baseball and inflicted injuries. 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.

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, Malout, District Sri Muktsar Sahib, has sent his report dated 6.10.2017 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-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.

I have heard learned counsel for the parties as well as learned

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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.65 dated 24.5.2017 (Annexure-P.1) registered for the offences under Sections 307, 341 and 323 IPC at Police Station Kabarwala, District Sri Muktsar Sahib and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

November 6, 2017.

(Inderjit Singh)
Judge

hsp

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