

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33723 of 2016

.....

Date of decision:22.2.2017

Kulwant Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Jaideep Vema, Advocate for the petitioner.

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

None 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.53 dated 16.5.2013 (Annexure-P.1) registered for the offences under Sections 279, 337 and 338 IPC at Police Station Sadar, Rupnagar, District Rupnagar and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Naresh Kumar on the allegations that on 12.5.2013, an unknown white Indica car struck against the daughter of respondent No.2 in the area of Nuhon Colony, Ghanauli, District Rupnagar. Resultantly, daughter of respondent No.2 received injuries over shoulder & hip. However, the driver of the car fled away from the spot and has been mentioned in the petition

that the Police has falsely implicated the petitioner merely on the basis of suspicion. 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 Chief Judicial Magistrate, Rupnagar has sent her report dated 6.10.2016 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 admits the factum of compromise and submits 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 petitioner 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

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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.53 dated 16.5.2013 (Annexure-P.1) registered for the offences under Sections 279, 337 and 338 IPC at Police Station Sadar, Rupnagar, District Rupnagar and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

February 22, 2017.

(Inderjit Singh)
Judge

hsp

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