

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-34368 of 2016

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Date of decision:26.5.2017

Inderbir Singh alias Prince and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sunil Mallar, Advocate for Mr. Inderjit Sharma, Advocate for the petitioners.

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

None 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.162 dated 30.10.2010 (Annexure-P.1) registered for the offences under Sections 452, 294, 509, 506 and 427 IPC at Police Station Sadar Gurdaspur (Now Police Station Tibber), Tehsil and District Gurdaspur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Gulzar Singh on the allegations that the accused-petitioners, who were armed with datar, stick, hockey and iron rod entered into complainant's house after unlocking the upper latches of the gate. They started giving him beatings. They throw him on ground and gave him leg blows and told that

call his rescuer. In the meantime, complainant's wife Surjit Kaur came forward to rescue him, then they started abusing badly to his wife and Inderbir Singh alias Prince caught hold the shirt of his wife and torn off the same and manhandled her. They raised alarm, then complainant's cousin Gurdeep Singh exhorted loudly that he is coming, then all persons ran away from the spot with their respective weapons. They inflicted injuries to them. 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 Additional Chief Judicial Magistrate, Gurdaspur, has sent report dated 16.5.2017 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. It has been stated that only petitioners No.1 and 2 Inderbir Singh alias Prince and Rakesh Masih alias Bagga had appeared in the Court and their statements were recorded. It has been further mentioned that petitioner No.3-Jatinder Singh had died on 11.11.2015 as per photocopy of death certificate and petitioner No.4-Pargat Singh had gone abroad as stated by petitioner No.1 Inderbir Singh alias Prince so his statement could not be recorded. Hence, petition qua petitioners No.3 and 4 is dismissed.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer admits the factum of compromise and

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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 petitioners 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.162 dated 30.10.2010 (Annexure-P.1) registered for the offences under Sections 452, 294, 509, 506 and 427 IPC at Police Station Sadar Gurdaspur (Now Police Station Tibber), Tehsil and District Gurdaspur and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners No.1 and 2 Inderbir Singh alias Prince and Rakesh Masih alias Bagga only.

May 26, 2017.

(Inderjit Singh)
Judge

hsp

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