

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-36170 of 2017

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Date of decision:5.12.2017

Atul Sharma and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(2) Criminal Misc. No.M-36023 of 2017

.....

Santosh Giri and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Naveen Sharma, Advocate for the petitioners in Cr. Misc. No.M-36170 of 2017 and for respondent No.2 in Cr. Misc. No.M-36023 of 2017.

Mr. R.P. Sidhu, Advocate for Mr. S.K. Bawa, Advocate for the petitioners in Cr. Misc. No.M-36023 of 2017 and for respondents No.2 and 3 in Cr. Misc. No.M-36170 of 2017.

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

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal miscellaneous petitions i.e. Criminal Misc. No.M-36170 of 2017 filed under Section 482 Cr.P.C. for quashing of FIR No.147 dated 25.12.2016 registered for the offences under Sections 452, 324, 323, 427, 148 and 149

IPC at Police Station Haibowal, District Ludhiana and Criminal Misc. No.M-36023 of 2017 filed for quashing of DDR No.30 dated 2.1.2017 registered for the offences under Sections 323, 324, 341, 506, 427 and 34 IPC in FIR No.147 dated 25.12.2016 and all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR and the DDR were got registered against each other by the petitioners of both the petitions as dispute arose as a result of fight between the parties in which injuries were received by both the parties. This is a case of version and cross-version. Now with the intervention of respectable persons, both the parties have arrived at an amicable settlement and have effected a compromise.

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, Ludhiana has sent two reports dated 21.11.2017 and 20.11.2017 in both the cases submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainants 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 and the DDR 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 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, these petitions are allowed and FIR No.147 dated 25.12.2016 registered for the offences under Sections 452, 324, 323, 427, 148 and 149 IPC at Police Station Haibowal, District Ludhiana and DDR No.30 dated 2.1.2017 registered for the offences under Sections 323, 324, 341, 506, 427 and 34 IPC in FIR No.147 dated 25.12.2016 and all other subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

December 5, 2017.

(Inderjit Singh)
Judge

hsp

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