

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.25201 of 2015
and
Criminal Misc. No.M-3704 of 2014

.....

Date of decision:14.2.2017

Karamjit Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. K.B.S. Maan, Advocate for the petitioners.

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

Mr. Deepak Gupta, Advocate for Mr. Vivek Goel, Advocate for
complainant-respondent No.2.

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Inderjit Singh, J.

Cr. Misc. No.25201 of 2015:

This criminal miscellaneous application has been filed under Section 482 Cr.P.C. for recalling the order dated 29.9.2014 passed by this Court, vide which the petition was dismissed as not pressed, as the learned State counsel stated that the petitioners had been acquitted vide judgment dated 12.9.2014. However, from the zimini orders annexed with the application show that the case is still pending before the learned Sub Divisional Judicial Magistrate, Gidderbaha. For reasons mentioned in the application, the same is allowed and the order dated 29.9.2014 dismissing

the petition as not pressed is recalled and restored to its original number.

The criminal miscellaneous application stands disposed of.

Cr. Misc. No.M-3704 of 2014:

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.96 dated 20.12.2008 (Annexure-P.1) registered for the offences under Sections 326, 324 read with Section 34 IPC at Police Station Kotbhai, District Sri Muktsar Sahib and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Balwinder Kaur on the allegations that the accused-petitioners attacked her and inflicted injuries. 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 Sub Divisional Judicial Magistrate, Gidderbaha, has sent his report dated 15.9.2014 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-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no

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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 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 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.96 dated 20.12.2008 (Annexure-P.1) registered for the offences under Sections 326, 324 read with Section 34 IPC at Police Station Kotbhai, District Sri Muktsar Sahib and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

February 14, 2017.

(Inderjit Singh)
Judge

hsp

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