

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-373 of 2017

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Date of decision:14.2.2017

Harpal Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

(2) Criminal Misc. No.M-394 of 2017

.....

Harpreet Singh alias Hunny and others

.....Petitioners

v.

Harpal Singh

.....Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. K.B.S. Mann, Advocate for Mr. Nitin Rampal, Advocate for the petitioner in Cr. Misc. No.M-373 of 2017 and for respondent No.1 in Cr. Misc. No.M-394 of 2017.

Mr. H.S. Gill, Senior Advocate with Mr. A.K. Samma, Advocate for the petitioners in Cr. Misc. No.M-394 of 2017 and for respondent No.2 in Cr. Misc. No.M-373 of 2017.

Mr. R.S. Sidhu, 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-373 of 2017 filed under

Section 482 Cr.P.C. for quashing of FIR No.100 dated 2.8.2014 registered for the offences under Sections 452 (Section 458 which was substituted later on), 427 and 506 IPC at Police Station Division No.5, Jalandhar, District Jalandhar and Criminal Misc. No.M-394 of 2017 filed for quashing of complaint No.IPC/386/2014 dated 26.8.2014, titled as “Harpal Singh Versus Hunny alias Harpreet Singh and others” filed for the offences under Sections 323, 324, 325, 499, 500, 427, 452 and 34 IPC and summoning order dated 24.9.2015 summoning the petitioners for the offences under Sections 323, 324, 452 read with Section 34 IPC and all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR and the complaint 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, Jalandhar has sent her two reports dated 25.1.2017 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 complaint 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, these petitions are allowed and FIR No.100 dated 2.8.2014 registered for the offences under Sections 452 (Section 458 which was substituted later on), 427 and 506 IPC at Police Station Division No.5, Jalandhar, District Jalandhar qua the petitioner and complaint No.IPC/386/2014 dated 26.8.2014, titled as "Harpal Singh Versus Hunny alias Harpreet Singh and others" filed for the offences under Sections 323, 324, 325, 499, 500, 427, 452 and 34 IPC and summoning order dated 24.9.2015 summoning the

petitioners for the offences under Sections 323, 324, 452 read with Section 34 IPC and all other subsequent proceedings arising out of the same qua petitioners No.1, 2 and 4 only are hereby quashed.

February 14, 2017.

(Inderjit Singh)
Judge

hsp

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