

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-37708 of 2017

.....

Date of decision:17.11.2017

Gurpreet Singh and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Maneet Kumar Arya, Advocate for the petitioners.

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

Mr. Himanshu Monga, Advocate for 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 complaint No.256 dated 14.11.2013 (Annexure-P.1) filed for the offences under Sections 452, 379, 323, 506 and 34 IPC before the learned Illaqa Magistrate, Gurdaspur, order dated 26.7.2017 (Annexure-P.2) passed by the learned Additional Chief Judicial Magistrate, Gurdaspur, whereby the petitioners have been summoned to face trial for the offences under Sections 452, 323 read with Section 34 IPC and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

The complaint has been filed on the statement of complainant-Kulwinder Singh on the allegations that the accused-petitioners attacked him and inflicted injuries. It has also been mentioned in the complaint that

the accused took away the watch of the complainant lying on the table and forcibly took away ₹5,000/- from his pocket. 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 1.11.2017 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

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 objection to the quashing of 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 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

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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 complaint No.256 dated 14.11.2013 (Annexure-P.1) filed for the offences under Sections 452, 379, 323, 506 and 34 IPC before the learned Illaqa Magistrate, Gurdaspur, order dated 26.7.2017 (Annexure-P.2) passed by the learned Additional Chief Judicial Magistrate, Gurdaspur, whereby the petitioners have been summoned to face trial for the offences under Sections 452, 323 read with Section 34 IPC and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

November 17, 2017.

(Inderjit Singh)
Judge

hsp

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