

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-42226 of 2016

.....

Date of decision:21.2.2017

Ranjha and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Liaqat Ali, Advocate for the petitioners.

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

Mr. N.K. Manchanda, Advocate for the complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.171 dated 26.8.2011 (Annexure-P.1) for the offences under Sections 323, 308, 324, 506, 148 and 149 IPC registered at Police Station Sahnewal, District Ludhiana, the order dated 18.2.2013 (Annexure-P.2) passed by learned Judicial Magistrate Ist Class, Ludhiana and all subsequent proceedings arising therefrom in view of the compromise dated 12.11.2016 (Annexure-P.3) entered into between the parties.

The FIR in the present case has been got registered by complainant-Lal Hussain on the allegations that the petitioners and other persons had attacked him and gave him beatings. It has been mentioned in the petition that one of the accused has already been acquitted by the

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learned trial Court and others have been declared as proclaimed offenders by the learned trial Court. It has been mentioned that petitioners No.1 and 2 are the sons of respondent No.2-complainant and petitioner No.2 is wife of the complainant. Now with the intervention of respectable persons, the matter has been amicably settled between the parties and they have resolved their dispute amongst themselves with the help of respectable persons known to both the parties and presently they are living peacefully and jointly as it was a family dispute. Respondent No.2 has no objection if the above mentioned FIR is quashed.

Learned counsel for the petitioners argued that the dispute is between the family members and now they have amicably settled the family dispute and have been living peacefully and jointly, hence the offence under Section 308 IPC is not made out in this case.

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 her report dated 10.1.2017 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

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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.171 dated 26.8.2011 (Annexure-P.1) for the offences under Sections 323, 308, 324, 506, 148 and 149 IPC registered at Police Station Sahnewal, District Ludhiana, the order dated 18.2.2013 (Annexure-P.2) passed by learned Judicial Magistrate Ist Class, Ludhiana and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

February 21, 2017.

(Inderjit Singh)
Judge

hsp

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