

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-42099 of 2015

.....

Date of decision:14.9.2017

Johny alias Sukhdev Singh Abrol

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Vikram Satpal Anand, Advocate for the petitioner.

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

None for the 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 FIR No.19 dated 16.1.2015 (Annexure-P.1) registered for the offences under Sections 448, 427, 506 IPC and Sections 25 and 27 of the Arms Act and (Sections 452 and 34 IPC, which were added later on) at Police Station City Ferozepur, District Ferozepur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Hari Om Pal on the allegations that the accused-petitioner along with 3-4 unknown persons came in the evening at around 4.00 p.m. They entered into complainant's house forcibly by breaking the lock. At that time, Pawan Kataria was passing through the street and he told the complainant that 4-5

persons had broken the door of his house and entered inside the house and Johny also had a gun. Then the complainant along with Pawan Kataria came to the spot and asked them as to why they had broken the lock of his house. Upon that they threatened them with gun and also said that they have certain papers regarding the house. 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 Chief Judicial Magistrate, Ferozepur has sent report dated 7.1.2017 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 admits the factum of compromise and submits that in case the parties have indeed settled their dispute, the State would have no 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 petitioner 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

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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.19 dated 16.1.2015 (Annexure-P.1) registered for the offences under Sections 448, 427, 506 IPC and Sections 25 and 27 of the Arms Act and (Section 452 and 34 IPC, which were added later on) at Police Station City Ferozepur, District Ferozepur and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

September 14, 2017.

(Inderjit Singh)
Judge

hsp

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