

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-4277 of 2017

.....

Date of decision:23.10.2017

Bhupinder Singh alias Deputy and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Gaurav Mannan, Advocate for the petitioners.

Mr. K.S. Aulakh, Deputy Advocate General, Punjab for the respondent-State.

Mr. Jasjeet Singh Virk, Advocate 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.195 dated 22.9.2014 (Annexure-P.1) registered for the offences under Sections 307, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Ajnala, District Amritsar Rural and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2) entered into between the parties.

The FIR in the present case has been got registered by complainant-Jagpreet Singh on the allegations that the petitioners attacked him and inflicted injuries. Petitioner Bhupinder Singh alias Deputy, who had a revolver and Ravinder Singh alias Romy with his pistol fired 3/3 shots towards them with the intention to kill. One bullet hit on the right foot of

the complainant. Meanwhile other students of I.T.I. gathered there. On seeing the gathering of the students, the petitioners-accused ran away from the spot along with their weapons.

It has been mentioned in the petition that after the investigation by the Police authorities, it was found that no fight ever took place there. Neither any gun shot was fired towards any one with the intention to kill nor any kind of fight took place there. There were only simple arguments among the petitioners and respondent No.2 on account of dispute relating to I.T.I. elections. 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. Respondent No.2 has no objection if the above mentioned FIR is quashed.

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, Ajnala, has sent his report dated 9.10.2017 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 Deputy 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 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 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.195 dated 22.9.2014 (Annexure-P.1) registered for the offences under Sections 307, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Ajnala, District Amritsar Rural and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

October 23, 2017.

(Inderjit Singh)
Judge

hsp

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