

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-43762 of 2017

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Date of decision:20.12.2017

Balbir Kaur and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. K.S. Thakur, Advocate for the petitioners.

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

Mr. M.S. Bajwa, 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 FIR No.42 dated 20.7.2010 (Annexure-P.1) registered for the offences under Sections 307 and 511 IPC and (Sections 195 and 120-B IPC, which were added later on at the time of filing of final report/challan) at Police Station Dhilwan, District Kapurthala and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

Learned counsel for the petitioners has submitted that challan has been presented by the Police in the Court. It has been further argued

that even though the offence under Section 307 IPC is not compoundable, but in view of the law laid down by the Hon'ble Supreme Court in Narinder Singh and others v. State of Punjab and another, 2014 (2) CrI.C.C. 536, this petition can be entertained. He further submitted that it was a family dispute, therefore, the matter has amicably been settled between the family members.

The FIR has been registered on the statement of complainant-Smt. Sandeep Kaur on the allegations that the accused-petitioners caught hold of her legs and arms and put some white medicine in her mouth. She raised alarm in a loud voice and their neighbour and mediator Rana came on the spot and in the meanwhile Sarpanch of Village Lakhbir Singh came on the spot. The complainant started vomiting and the aforementioned accused went out of the house and her father had also been informed about this episode by somebody and after arranging the vehicle, they got her admitted in Civil Hospital, where the doctors after giving her first aid, referred her to Civil Hospital, Kapurthala, where she was under treatment. 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 Sessions Judge, Kapurthala has sent report dated 6.12.2017 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 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.42 dated 20.7.2010 (Annexure-P.1) registered for the offences under Sections 307 and 511 IPC and (Sections 195 and 120-B IPC, which were added later on at the time of filing of final report/challan) at Police Station Dhilwan, District Kapurthala and all

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subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

December 20, 2017.

(Inderjit Singh)
Judge

hsp

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