

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-43909 of 2017

.....

Date of decision:19.12.2017

Lovely alias Kanwardeep Singh and others

.....Petitioners

v.

Prem Singh

.....Respondent

....

Present: Ms. Jasleen Kaur Pandher, Advocate for Mr. L.M. Gulati,
Advocate for the petitioners.

Mr. Rahul Makkar, Advocate for the complainant-respondent.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of complaint No.24557 of 2013 dated 8.11.2010 (Annexure-P.1) titled as “Prem Singh Vs. Lovely alias Kanwardeep Singh” filed under Sections 307, 326, 325, 324, 323, 148 and 149 IPC, vide which the petitioners were summoned to face trial under Sections 326, 325, 324, 323, 148 and 149 IPC by learned trial Court vide order dated 9.7.2015 (Annexure-P.2) passed by learned Judicial Magistrate Ist Class, Amritsar and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3) entered into between the parties.

Learned counsel for the petitioners has submitted that the petitioners have not been summoned for the offence under Section 307 IPC.

The criminal complaint in the present case has been filed by complainant-Prem Singh on the allegations that the petitioners attacked him

and inflicted injuries. The petitioners have been summoned to face trial for the offences under Sections 326, 325, 324, 323, 148 and 149 IPC. During the pendency of the trial, 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. The complainant-respondent has no objection if the above mentioned complaint 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 Judicial Magistrate Ist Class, Amritsar, has sent her report dated 7.12.2017 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 counsel for the complainant-respondent admits the factum of compromise and submits that as the dispute has been amicably settled, he 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 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

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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 complaint No.24557 of 2013 dated 8.11.2010 (Annexure-P.1) titled as "Prem Singh Vs. Lovely alias Kanwardeep Singh" filed under Sections 307, 326, 325, 324, 323, 148 and 149 IPC, vide which the petitioners were summoned to face trial under Sections 326, 325, 324, 323, 148 and 149 IPC by learned trial Court vide order dated 9.7.2015 (Annexure-P.2) passed by learned Judicial Magistrate Ist Class, Amritsar and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

December 19, 2017.

(Inderjit Singh)
Judge

hsp

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