

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-46316 of 2016

.....

Date of decision:28.4.2017

Hardeep Singh and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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

Mr. K.S. Aulakh, 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.74 dated 28.9.2016 (Annexure-P.1) registered for the offences under Sections 457, 380, 447, 148 and 149 IPC at Police Station Begowal, District Kapurthala and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Shukeen Chand on the allegations that the accused-petitioners broke open the locks of the shop and utensils were thrown out of the shop. When the complainant along with his son Jajji and Kamal Kumar reached at the shops then from the inside of the shop, Hardeep Singh, Kaushalya Devi and 10-12 unknown persons, who had covered their faces with cloth, thrown the new

utensils from the shop. When the complainant tried to stop them, then one of the persons shown the pistol to them and threatened to kill and the accused persons after locking the shops ran away. 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 Judicial Magistrate Ist Class, Kapurthala, has sent his report dated 16.3.2017 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 petitioners 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

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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 FIR No.74 dated 28.9.2016 (Annexure-P.1) registered for the offences under Sections 457, 380, 447, 148 and 149 IPC at Police Station Begowal, District Kapurthala and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

April 28, 2017.

(Inderjit Singh)
Judge

hsp

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