

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-46604 of 2016

.....

Date of decision:31.1.2017

Gursewak Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. A.P.S. Tung, Advocate for the petitioners.

Mr. V.P.S. Sidhu, Assistant Advocate General, Punjab
for the respondent-State.

Mr. G.S. Jagpal, Advocate for complainant-respondents No.2
and 3.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of cross-case i.e. DDR No.20 dated 28.7.2016 (Annexure-P.1) registered for the offences under Sections 326, 323, 324, 336, 506 and 34 IPC (Section 336 IPC was added later on), at Police Station Khamano, Distt. Fatehgarh Sahib registered in case FIR No.91 dated 27.7.2016 and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The DDR has been registered on the statement of complainant-Surmukh Singh on the allegations that the accused-petitioners attacked him and respondent No.3 and inflicted injuries. 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 Sub Divisional Judicial Magistrate, Khamanon, has sent her report dated 21.1.2017 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 and learned counsel for the complainant-respondents No.2 and 3 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 DDR 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 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 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.

[3]

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 cross-case i.e. DDR No.20 dated 28.7.2016 (Annexure-P.1) registered for the offences under Sections 326, 323, 324, 336, 506 and 34 IPC (Section 336 IPC was added later on), at Police Station Khamano, Distt. Fatehgarh Sahib registered in case FIR No.91 dated 27.7.2016 and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

January 31, 2017.

(Inderjit Singh)
Judge

hsp

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