

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-4968 of 2017

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Date of decision:10.11.2017

Manpreet Singh and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. G.S. Sandhu, Advocate for the petitioners.

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

Mr. Rajbir Randhawa, Advocate for the complainant-respondents No.2 and 3.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.12 dated 19.2.2016 (Annexure-P.1) registered for the offences under Sections 307 and 506 IPC and Sections 25 and 27 of the Arms Act at Police Station Smalsar, District Moga 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-Harpreet Singh on the allegations that Manpreet Singh had fired towards the complainant with his revolver and two three unknown persons were also standing near him at that time. The complainant and his cousin laid down on the ground due to fear and they all started abusing

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them. They raised alarm and many people gathered there and the complainant and his cousin ran away from the spot and Manpreet Singh also fired a shot in the air behind them when they were running and he threatened them that if they told to any body, he will not leave them alive. 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. Respondents No.2 and 3 have no objection if the above mentioned FIR is quashed.

Learned counsel for the petitioners argued that it is a no injury case and the matter has been amicably compromised between the parties.

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, Baghapurana, has sent his report dated 21.10.2017 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 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 FIR in view of the law laid down by the Hon'ble Supreme Court.

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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.12 dated 19.2.2016 (Annexure-P.1) registered for the offences under Sections 307 and 506 IPC and Sections 25 and 27 of the Arms Act at Police Station Smalsar, District Moga and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

November 10, 2017.

(Inderjit Singh)
Judge

hsp

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