

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-8757 of 2016

.....

Date of decision:21.12.2017

Ajaib Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Present: Mr. Pardeep Singh Mirpur, Advocate for the petitioners.

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

Mr. S.S. Sodhi, Advocate for the complainant-respondents
No.2 to 6.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.08 dated 14.2.2016 (Annexure-P.1) registered for the offences under Sections 307, 458, 380, 427, 323, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Jaurkian, District Mansa 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-Jagdev Singh on the allegations that there was marriage function in the family of respondent No.2 and some hooligans entered the marriage campus and made a mess of the function by throwing the articles from one place to another and under the misunderstanding respondent No.2

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got recorded the FIR against the petitioners. Complainant/respondent No.2 and other respondents i.e. the injured, after fully satisfying with the identity of the petitioners, came to know that the petitioners are not the persons, who were involved in the alleged incident dated 13.2.2016. 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 to 6 have no objection if the above mentioned FIR 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 Sub Divisional Judicial Magistrate, Sardulgarh, has sent his report dated 8.12.2017 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-respondents No.2 to 6 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.

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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.08 dated 14.2.2016 (Annexure-P.1) registered for the offences under Sections 307, 458, 380, 427, 323, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Jaurkian, District Mansa and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

December 21, 2017.

(Inderjit Singh)
Judge

hsp

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