

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-5547 of 2017

.....

Date of decision:20.11.2017

Rashpal Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. A.S. Brar, Advocate for the petitioners.

Mr. Jasdeep Singh Walia, Senior Deputy Advocate General,
Punjab for the respondent-State.

Mr. Vishal Rattan Lamba, Advocate 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.224 dated 11.8.2014 (Annexure-P.1) registered for the offences under Sections 336 IPC and Section 25 of the Arms Act at Police Station Dharamkot, District Moga and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Balvir Singh on the allegations that the accused-petitioners threatened him to kill as there was a matrimonial dispute with his wife. Petitioner No.1 Rashpal Singh fired two shots from is 12 bore gun towards the complainant and his family members in order to kill them. 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, Moga has sent report dated 29.3.2017 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. However, it has been mentioned that one more person, namely, Satwinder Singh alias Sarba son of Rashpal Singh, resident of Gatti Hari Ke, District Ferozepur, who was also co-accused, has not been impleaded as a party to the petition nor has he come forth to give any statement. Learned counsel for the petitioners on 17.4.2017 submitted that Satwinder Singh alias Sarba son of Rashpal Singh has expired and he prayed for some time to place on record his death certificate. Vide order dated 17.4.2017, the learned counsel for the petitioners was directed to produce his death certificate within one week, but he has not placed on record the death certificate of Satwinder Singh alias Sarba till date.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 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.224 dated 11.8.2014 (Annexure-P.1) registered for the offences under Sections 336 IPC and Section 25 of the Arms Act at Police Station Dharamkot, District Moga and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

November 20, 2017.

(Inderjit Singh)
Judge

hsp

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