

In the High Court of Punjab and Haryana at Chandigarh

.....
(1) Criminal Misc. No.M-6396 of 2017

.....
Date of decision:15.5.2017

Dalbir Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

.....

(2) Criminal Misc. No.M-6392 of 2017

.....

Prabhdeep Singh

.....Petitioner

v.

State of Punjab and another

.....Respondent

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Rajvir Singh, Advocate for the petitioners in both the petitions.

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

Mr. Vivek K. Thakur, Advocate for the complainant-respondent No.2.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal miscellaneous petitions i.e. Criminal Misc. No.M-6396 of 2017 filed under Section 482 Cr.P.C. for quashing of FIR No.192 dated 12.12.2014 registered for the offences under Sections 448, 380 and 120-B IPC at Police Station Division No.3, Jalandhar and Criminal Misc. No.M-6392 of 2017 filed for quashing of impugned order dated 6.10.2016 passed by learned Judicial

Magistrate Ist Class, Jalandhar, vide which the petitioner-Prabhdeep Singh was declared proclaimed offender in FIR No.192 dated 12.12.2014 and all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR was got registered on the statement of Satnam Singh on the allegations that the petitioner-accused has taken over illegal possession of his shop at Kamal Park Tanda Road, Jalandhar and have been giving threats to eliminate him. Vide impugned order dated 6.10.2016 passed by learned Judicial Magistrate Ist Class, Jalandhar petitioner-Prabhdeep Singh was declared proclaimed offender. Now with the intervention of respectable persons, both the parties have arrived at an amicable settlement and have effected a compromise.

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 Additional Chief Judicial Magistrate, Jalandhar, has sent her report dated 9.3.2017 in both the cases submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine. The statement of Manmeet Singh son of Shri Gurmukh Singh, who is special power of attorney of accused Prabhdeep Singh, who has been declared as proclaimed offender, has been recorded on behalf of Prabhdeep Singh-petitioner.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainant 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 and the impugned order declaring Prabhdeep Singh as proclaimed offender 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 Deputy 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.

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, these petitions are allowed and FIR No.192 dated 12.12.2014 registered for the offences under Sections 448, 380 and 120-B IPC at Police Station Division No.3, Jalandhar, the impugned order dated 6.10.2016 passed by learned Judicial Magistrate Ist Class, Jalandhar, vide which the petitioner-Prabhdeep Singh was declared proclaimed offender in FIR No.192 dated 12.12.2014 and all other subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

May 15, 2017.

(Inderjit Singh)
Judge

hsp

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