

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-6738 of 2017

.....

Date of decision:25.4.2017

Sandeep Singh Virk alias Sandy and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Present: Mr. Ashok Giri, Advocate for the petitioners.

Mr. J.S. Bhullar, Assistant Advocate General, Punjab for the
respondent-State.

Mr. Monty Goyal, Advocate for the complainant-respondents
No.2 to 5.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.115 dated 17.12.2016 for the offences under Sections 307, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act registered at Police Station Sarabha Nagar, District Police Commissionerate, Ludhiana and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3) entered into between the parties.

The FIR in the present case has been got registered by complainant-Amrinder Singh on the allegations that the petitioners had a scuffle with him and later on they fired shots upon him hitting him on right ankle and knee. It has also been mentioned that with respect to the same occurrence, a cross-case was also lodged against the private respondents

vide DDR No.20 under Section 307 IPC, which is also pending investigation. The complainant was medico-legally examined at CMC, Ludhiana, where he was admitted on 16.12.2016 at 10.30 p.m. and was discharged within six hours. The medical record shows that there was no bony injury. Thus, prima facie the injury was not dangerous to life, hence no offence under Section 307 IPC is made out. 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 5 have no objection if the above mentioned FIR is quashed.

Learned counsel for the petitioners argued that there is no bony injury dangerous to life 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 Chief Judicial Magistrate, Ludhiana, has sent his 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.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondents No.2 to 5 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no

[3]

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 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.

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.115 dated 17.12.2016 for the offences under Sections 307, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act registered at Police Station Sarabha Nagar, District Police Commissionerate, Ludhiana and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

April 25, 2017.

(Inderjit Singh)
Judge

hsp

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