

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-7547 of 2017

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Date of decision:28.8.2017

Rajanbir Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

.....

Present: Mr. Ritesh Pandey, Advocate for the petitioners.

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

Mr. M.S. Saini, 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 criminal complaint No.17 dated 8.5.2015 (Annexure-P.1) titled as “Gurmeet Singh Versus Paramjit Singh etc.” pending in the Court of Additional Sessions Judge, Gurdaspur for the offences under Sections 307, 336, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act as the petitioners have been summoned initially for the offences under Sections 336 and 506 IPC only, however, later on in revision they have also been summoned for the offences under Section 307 read with Sections 148 and 149 IPC and Sections 25 and 27 of the Arms Act and all subsequent proceedings arising out of the same on the basis of compromise (Annexure-P.2)

The criminal complaint in the present case has been filed by the complainant-Gurmeet Singh on the allegations that the petitioners attacked him and inflicted injuries. It has been mentioned in the petition that there was a petty dispute between real brothers as a result both the brothers have filed criminal complaints against each other. The present complaint is a case of no injury, however, during the pendency of case Paramjit Singh had died. 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. Respondent No.2 has no objection if the above mentioned complaint 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, who are real brothers.

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 District and Sessions Judge, Gurdaspur, has sent report dated 23.3.2017 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. It has also been mentioned that one of the accused, namely, Paramjit Singh stated to have expired.

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 criminal complaint 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.

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 criminal complaint No.17 dated 8.5.2015 (Annexure-P.1) titled as “Gurmeet Singh Versus Paramjit Singh etc.” pending in the Court of Additional Sessions Judge, Gurdaspur for the offences under Sections 307, 336, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act as the petitioners have been summoned initially for the offences under Sections 336 and 506 IPC only, however, later on in revision they have also been summoned for the offences under Section 307 read with Sections 148 and 149 IPC and Sections 25 and 27 of the Arms Act

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and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

August 28, 2017.

(Inderjit Singh)
Judge

hsp

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