

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-8404 of 2017

.....

Date of decision:1.6.2017

Jagtar Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Amandeep Chhabra, Advocate for the petitioner.

Mr. V.P.S. Sidhu, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Rishu Mahajan, Advocate for 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.0175 dated 23.12.2016 (Annexure-P.1) registered for the offences under Sections 308 and 323 IPC at Police Station Nehianwala, District Bathinda and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant- Parminder Singh (sic. - Dharminder Singh as per FIR) on the allegations that the accused-petitioner attacked him with Kasia and inflicted injuries. 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, Bathinda has sent report dated 22.5.2017 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 further been submitted in the report that as per FIR, the name of complainant is Dharminster Singh son of Jagdev Singh, but in the petition, his name has wrongly been mentioned as Parminder Singh son of Jagdev Singh.

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.

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

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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.0175 dated 23.12.2016 (Annexure-P.1) registered for the offences under Sections 308 and 323 IPC at Police Station Nehianwala, District Bathinda and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

June 1, 2017.

(Inderjit Singh)
Judge

hsp

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