

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-8497 of 2017

.....

Date of decision:1.6.2017

Jagdeep Singh and another

.....Petitioners

v.

U.T. Chandigarh and another

.....Respondents

....

Present: Mr. D.S. Pheruman, Advocate for the petitioners.

Mr. J.S. Toor, Standing Counsel for the U.T., Chandigarh.

Mr. Tarundeep Kumar, 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.364 dated 14.12.2016 (Annexure-P.1) registered for the offences under Sections 336, 307 read with Section 34 IPC and Section 25 of the Arms Act at Police Station Sector 39, Chandigarh and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2) entered into between the parties.

The FIR in the present case has been got registered by complainant-Inderjeet Singh on the allegations that on 14.12.2016 at about 12.30 a.m., he heard noise outside his house for striking some vehicle and when he came out, he found a car had struck against his Honda City car, which was parked outside his house, and thereafter the vehicle left the place. After some time, the said vehicle again came near to his house and

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stopped in the crossing. Thereafter, he along with his son as well as his neighbour Hardeep Singh found the said vehicle got the accident which was damaged from its right side. He asked the driver to lower down the window panes, thereafter Hardeep Singh put his hand inside the car from the window pane which had already been lowered and he made an attempt to take out the key of the vehicle. Thereafter, the driver of the car fled away with the car and complainant's neighbour Hardeep Singh fell down on the road side. The same car again came after about 57 minutes and the complainant made an attempt to stop the vehicle there. On seeing them approaching the said vehicle, the driver of the vehicle put down the window panes and fired 2/3 shots of pistol towards them and to save themselves, they hide themselves for safety. The driver and his companion sitting in the said vehicle fired more shots and then many people collected there. The assailants on seeing the people collecting there, by abusing and threatening them ran away from the spot. 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 FIR 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.

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

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the needful, learned Additional Sessions Judge, Chandigarh, has sent his report dated 23.5.2017 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

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 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.364 dated 14.12.2016 (Annexure-P.1) registered for the offences under Sections 336, 307 read with Section 34

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IPC and Section 25 of the Arms Act at Police Station Sector 39, Chandigarh and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

June 1, 2017.

(Inderjit Singh)
Judge

hsp

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