

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc. M-36406 of 2018 (O&M)
Date of Decision: October 15, 2018

Gagandeep Singh @ Gaggi and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rohit Kumar, Advocate
for the petitioners.

Mr. Ajay Pal Singh Gill, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of Complaint No.COMI/30/2014 dated 23.12.2013 titled as “Jagsir Singh vs. Gagandeep Singh @ Gaggi and others” pending in the court of Addl. Chief Judicial Magistrate Bathinda, filed under Sections 452, 376, 325, 323, 34 of Indian Penal Code (Annexure P/1) as well as summoning order dated 04.12.2015 whereby the petitioners herein have been summoned under Sections 452, 354, 323, 34 of Indian Penal Code (Annexure P/2) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/3).

The aforesaid complaint has been filed by the complainant-Jagsir Singh. 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 the trial court/Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate First Class at Bathinda, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned State counsel, submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the complaint as well as summoning order, in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the parties and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, a 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.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and Complaint

No.COMI/30/2014 dated 23.12.2013 titled as “Jagsir Singh vs. Gagandeep Singh @ Gaggi and others” pending in the court of Addl. Chief Judicial Magistrate Bathinda, filed under Sections 452, 376, 325, 323, 34 of Indian Penal Code (Annexure P/1) as well as summoning order dated 04.12.2015 whereby the petitioners herein have been summoned under Sections 452, 354, 323, 34 of Indian Penal Code (Annexure P/2) and all subsequent proceedings arising out of the same are quashed qua the petitioner(s).

The petition stands disposed of.

October 15, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No