

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-51675 of 2018

.....

Date of decision:19.12.2018

Modan Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. J.S. Khiva, Advocate for the petitioners.

Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab
for the respondent-State.

Mr. Harjeet Singh Kotli, Advocate for Mr. Sukhdev Gopera,
Advocate for complainant-respondents No.2 to 4.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.70 dated 31.7.2015 (Annexure-P.1) registered for the offences under Sections 452, 379, 323 and 34 IPC at Police Station Boha, District Mansa and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Jaswinder Kaur on the allegations that the accused-petitioners attacked her and respondents No.3 and 4 and inflicted injuries. The petitioners also stole motorcycle Make Boxer CT of Satpal Singh which was standing in front of gate of their house. 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, Budhlada has sent report dated 11.12.2018 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 Senior Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondents No.2 to 4 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.70 dated 31.7.2015 (Annexure-P.1) registered for the offences under Sections 452, 379, 323 and 34 IPC at Police Station Boha, District Mansa and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

December 19, 2018.

(Inderjit Singh)
Judge

hsp

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