

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

CRM-M-9472-2017

Date of decision: 31.10.2018

Surinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Shaurya Puri, Advocate,
for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

Mr. Shashank Sharma, Advocate, for
Mr. Abhivadya Sood, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

Prayer in this petition is for quashing of criminal complaint bearing No.140 dated 27.09.1999 under Sections 307 /323 /354 /447 /452 / 506 /148 /149 IPC (not proceeded against for the offence punishable under Section 307 IPC), pending before the learned trial court including summoning order dated 04.11.2000 as well as order dated 18.05.2009 whereby the petitioner was declared a proclaimed offender alongwith consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Now with the intervention of respectable persons, the dispute has been amicably settled between the parties. A settlement /agreement has

been entered into between the parties, a copy thereof is annexed with the petition.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Addl. Chief Judicial Magistrate, Kapurthala, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one.

Mr. R.S. Khaira, learned AAG, Punjab, on instructions from the Investigating Officer, and learned counsel for respondent No. 2 admit to the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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 rival parties and 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 & others vs. State of Punjab & another, (2014) 6 SCC 466*, this petition is allowed, criminal complaint bearing No.140 dated 27.09.1999 under Sections 307 /323 /354 /447 /452 /506 /148 /149 IPC (not proceeded against for the offence punishable under Section 307 IPC), pending before the learned trial court including summoning order dated 04.11.2000 as well as order dated 18.05.2009 whereby the petitioner was declared a proclaimed offender, and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

31.10.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.