

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-11626 of 2019

.....

Date of decision:02.05.2019

Pardeep Kumar and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Ashok Kumar Khunger, Advocate for the petitioners.

Ms. Monika Jalota, Deputy Advocate General, Punjab for the respondent-State.

None 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.05 dated 22.01.2018 (Annexure-P.1) registered for the offences under Sections 452 and 295-A IPC and Sections 9, 27, 39, 50 and 51 of the Wild Life Protection Act, 1972 at Police Station Bahavwala, District Fazilka along with DDR No.24 dated 13.02.2018 (Annexure-P.2) by which the petitioners were nominated as accused and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

The FIR has been registered on the statement of complainant-Sanjay Bishnoi on the allegations that the accused-petitioners forcibly entered into 'Gaushala' after taking liquor and by giving beatings to the Sewadars started saying that the cows, who are roaming outside, bring them inside and and they also took away the deer which the complainant have

kept there. 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, Abohar has sent report dated 10.04.2019 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 been mentioned in the petition that co-accused Satnam Singh had expired on 20.10.2018.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer admits the factum of compromise and submits 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 petitioners 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.

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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.05 dated 22.01.2018 (Annexure-P.1) registered for the offences under Sections 452 and 295-A IPC and Sections 9, 27, 39, 50 and 51 of the Wild Life Protection Act, 1972 at Police Station Bahavwala, District Fazilka along with DDR No.24 dated 13.02.2018 (Annexure-P.2) by which the petitioners were nominated as accused and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

May 02, 2019.

(Inderjit Singh)
Judge

hsp

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