

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

Date of Decision : October 09, 2020

1. CRM-M- 31472-2020

Nishan Singh and another PETITIONER(S)

VERSUS

State of Punjab and another RESPONDENT(S)

2. CRM-M- 31080-2020

Balwinder Singh PETITIONER(S)

VERSUS

State of Punjab and others RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Ms. G.K. Mann, Advocate, for the petitioners in CRM-M-31472-2020 and respondents No.2 & 3 in CRM-M- 31080-2020.

Mr. Sunil Kumar, Advocate, for respondent No.2 in CRM-M-31472-2020 and petitioner in CRM-M- 31080-2020.

Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate General, Punjab.

Sanjay Kumar, J.

FIR No.86 dated 13.06.2020 on the file of Police Station Sultanwind, Police Commissionerate Amritsar, was registered against two named accused under Sections 323, 324, 326, 336, 148, 149 and 120-B IPC and Sections 25 and 27 of the Arms Act, 1959. These two accused are the petitioners in CRM-M-31472-2020, filed under Section 482 Cr.P.C., whereby quashing of the subject FIR is sought.

A cross-case was registered by the aforestated two accused in FIR No.86 dated 13.06.2020 against the complainant and others under GD No.26 dated 14.06.2020 for offences under Sections 323, 324, 326, 148, 149 and 506 IPC. The complainant in FIR No.86 dated 13.06.2020, being one of the accused in this cross-case, is the petitioner in CRM-M-31080-2020, filed under Section 482 Cr.P.C., to quash the cross-case.

The basis for both the quash petitions is the settlement that was effected by and between the parties in July, 2020. The affidavits of the petitioners in both cases are placed on record in evidence of this compromise. They read to the effect that as they were all residents of the same area, respectable persons intervened and all their differences were settled whereby both parties have no grudge against each other. Learned counsel for both parties affirm the factum of the compromise and pray that the matter may be set at rest on the strength thereof.

On instructions from SI Tarlok Singh of Police Station Sultwanwind, Mr. Gaurav Garg Dhuriwala, learned Senior Deputy Advocate General, Punjab, would state that members of both parties suffered grievous injuries in the altercation and that was the reason why Section 326 IPC was pressed into service in both cases. He would point out that both parties took law into their own hands to settle their private scores and argue that turning a blind eye to such incidents may promote and multiply such instances in future. He would further state that the offences under Section 336 IPC and the Arms Act, 1959, were concocted. He, however, does not dispute the fact that prosecution of these cases would yield no result owing to the compromise between the parties. He

would also confirm that no other FIR has been registered against any of the accused in these cases.

This appears to be the first instance that the accused in both cases took recourse to breaking the law for settling their private disputes. However, better sense seems to have prevailed upon intervention of society elders resulting in their settling the differences amicably. This Court is therefore of the opinion that they may be given an opportunity to reform themselves without facing the consequences of the criminal acts which resulted in registration of the subject cases. Further, it would be an exercise in futility for the State to carry the cases forward to their inevitable and preordained conclusion, given the settlement between the parties. It would therefore be better to give a quietus to the matter at this stage, cautioning both sides to be more mindful of their conduct in future.

The petitions are accordingly allowed. FIR No.86 dated 13.06.2020 and the cross-case in GD No.26 dated 14.06.2020 in FIR No.86 dated 13.06.2020 on the file of Police Station Sultanwind, Police Commissionerate Amritsar, and all proceedings relating thereto shall stand quashed in their entirety and against all concerned.

October 09, 2020
Kang

(Sanjay Kumar)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No