

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

CRM-M-32533-2020 (O&M)

Date of Decision: November 25, 2020
(Heard through VC)

Gurchetan Singh alias Sonu

... Petitioner

Versus

State of Punjab and another

... Respondents

2. CRM-M-34934-2020 (O&M)

Gurchetan Singh alias Sonu

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. H. S. Oberoi, Advocate
for the petitioner.

Ms. Jaspreet Kaur, DAG, Punjab.

Mr. Nishad Ahuja, Advocate
for respondent No.2-complainant.

JAISHREE THAKUR, J. (Oral)

1. This order of mine shall dispose of two Crl. Misc. Petitions bearing Nos. 32533 of 2020 and 34934 of 2020. The former petition has been filed under Section 482 of the Code of Criminal Procedure seeking

quashing of FIR No. 35 dated 23.03.2017 registered under Sections 323, 324, 326, 379, 34 IPC at Police Station Sadar Kapurthala, District Kapurthala (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise while the latter has been filed seeking quashing of order dated 10.06.2019 passed by the ACJM, Kapurthala in FIR No. 35 dated 23.03.2017 registered under Sections 323, 324, 326, 379, 34 IPC at Police Station Sadar Kapurthala whereby the petitioner has been declared as a proclaimed offender.

2. The FIR has been registered on the statement of complainant -respondent No.2 that the petitioner gave beatings to him and caused injuries. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq 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 is genuine one.

4. Learned State Counsel, 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.

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

6. 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.

7. 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**, the Crl. Misc. Petition bearing No. 32533 of 2020 is allowed and FIR No. 35 dated 23.03.2017 registered under Sections 323, 324, 326, 379, 34 IPC at Police Station Sadar Kapurthala, District Kapurthala (Annexure P/1) and all subsequent proceedings arising out of the same are quashed qua the petitioner herein.

8. Since the main FIR i.e. FIR No. 35 dated 23.03.2017 itself has been quashed, order dated 06.10.2019 declaring the petitioner Gurchetan Singh alias Sonu as proclaimed offender is set aside and the Crl. Misc. Petition No. 34934 of 2020 is allowed in above terms.

November 25, 2020

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*Whether speaking/reasoned
Whether reportable*

**(JAISHREE THAKUR)
JUDGE**

*Yes
Yes/No*