

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

CRM No.37700 of 2021 in/and
CRM-M-4104 of 2021 (O&M)
Date of Decision: November 15, 2021

Jasbir Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Hakam Singh, Advocate
for the petitioners.

Ms. Rashmi Attri, AAG Punjab.

Mr. Vivek Singla, Advocate
for respondents No.2 and 3.

JAISHREE THAKUR, J. (Oral)

CRM-37700-2021

This is an application that has been filed seeking to prepone hearing in the main case, which is now listed for 28.04.2022.

Earlier application for preponing the case came to be declined on 03.09.2021, when the main case was fixed for 26.11.2021. However, the case now stands adjourned to 28.04.2022 by the NIC. The report has already been received regarding genuineness of the compromise. The instant application is accordingly allowed. Hearing in the main case is preponed and the same is taken up for hearing today.

CRM-M-4104-2021

This petition has been filed under Section 482 of the Code of

Criminal Procedure seeking quashing of FIR No.63 dated 02.05.2017 registered under Sections 447, 511, 427, 506, 148, 149 of Indian Penal Code at Police Station Kamboj, District Amritsar Rural (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant-Harjinder Singh on the allegations that the accused-petitioners started breaking their boundary wall and tried to take possession of their land. 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 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 Judicial Magistrate Ist Class at Amritsar, stating that the compromise arrived at between the parties is without any pressure or coercion from anyone and the same is genuine one.

Learned State counsel, on instructions from the Investigating Officer, admits to 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 parties and have 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 and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.63 dated 02.05.2017 registered under Sections 447, 511, 427, 506, 148, 149 of Indian Penal Code at Police Station Kamboj, District Amritsar Rural and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

November 15, 2021

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No