

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

(249)

CRM-M-21211-2021

Date of Decision: 27.08.2021

(Heard through VC)

SARABJIT SINGH @ BITTU AND ORS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Ms. Rashmi Attri, AAG, Punjab.

Mr. G.S. Thind, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 of Cr.P.C., for quashing of the FIR No. 136 dated 03.07.2017 under Sections 307/366/452/427/323/326/148/149 IPC and Sections 25/27/54/59 of Arms Act 1959, registered at Police Station Jandiala Amritsar (Rural), District Amritsar.

The FIR has been registered on the statement of complainant. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

However while quashing this FIR it is seen that Section 307 IPC has been added but a reading of the same would reflect that though the accused were carrying pistols they did not use the same and the only

allegation raised therein is that the *turban* was forcibly removed. In the FIR there is no allegation or discription of any injury suffered.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaqa 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, Amritsar stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer and learned counsel for the complainant/respondent No.2 admit the factum of compromise and counsel for the respondent-State would submit 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. 136 dated 03.07.2017 under Sections 307/366/452/427/323/326/148/149 IPC and Sections 25/27/54/59 of Arms Act 1959, registered at Police Station Jandiala Amritsar (Rural), District Amritsar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

(JAISHREE THAKUR)
JUDGE

27.08.2021
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No