

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.32060 of 2021 (O&M)

Date of Decision: 17.02.2022

(Heard Through Video Conferencing)

Kanwar Singh @ Harinder Singh

..... Petitioner

V/s.

State of Punjab and Others

..... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKURPresent: Mr. Gaagan Pradeep Singh Bal, Advocate
for the petitioner.

Mr. A. S. Gill, Sr. DAG, Punjab.

Jaishree Thakur, J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of DDR No.26 dated 20.05.2012 under Sections 341, 323, 148, 149 IPC, registered at Police Station Balachaur in FIR No.48 dated 19.05.2012 under Sections 325, 323, 341, 148, 149 IPC registered at Police Station Balachaur, District SBS Nagar and all consequential proceedings arising thereof on the basis of compromise.

2. Learned counsel for the petitioner states that 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 Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Sub Divisional Judicial Magistrate, Balachaur stating that the compromise arrived at between the parties is genuine and without any pressure or coercion.

4. Learned Sr. DAG, Punjab on instructions from the Investigating Officer admit the factum of compromise and the counsel for the respondent-State submits 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*', this petition is allowed and DDR No.26 dated 20.05.2012 under Sections 341, 323, 148, 149 IPC, registered at Police Station Balachaur in FIR No.48 dated 19.05.2012 under Sections 325, 323, 341, 148, 149 IPC registered at Police Station Balachaur, District SBS Nagar and all subsequent proceedings arising out of the same are quashed qua the petitioner.

17th February, 2022

Sonia Puri

(JAISHREE THAKUR)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No