

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

(Heard through VC)

CRM No.44314 of 2021 in/and
CRM-M-37472-2020 (O&M)
Date of Decision: January 10, 2022

Karan Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J.S. Brar, Advocate
for the petitioners.

Mr. B.S. Sewak, Addl. AG Punjab.

Mr. S.P. Singh, Advocate
for respondents No.2 and 3.

JAISHREE THAKUR, J. (Oral)

CRM-44314-2021

This is a petition that has been filed seeking to prepone hearing
in the main case, which is now listed for 04.07.2022.

For the reasons mentioned in the application, the same is
allowed. Hearing in the main case is preponed and the same is taken up for
hearing today.

CRM-M-37472-2020

This petition has been filed under Section 482 of the Code of
Criminal Procedure seeking quashing of FIR No.391 dated 20.10.2020,
registered under Sections 458, 323, 324, 148, 149 of Indian Penal Code

(later on Section 458 of IPC was deleted and Section 452 of IPC was added) at Police Station City Faridkot, District Faridkot (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-Sunil Kumar on the allegations that the accused-petitioners entered his house and gave beatings to him as well as his mother. 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 Chief Judicial Magistrate at Faridkot, stating that the compromise arrived at between the parties is without any pressure or coercion from anyone and the same is genuine one. It is also stated in the report that costs of Rs.10,000/- have been deposited with the District Legal Services Authority, Faridkot by the petitioners, as directed by this Court.

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.391 dated 20.10.2020, registered under Sections 458, 323, 324, 148, 149 of Indian Penal Code (later on Section 458 of IPC was deleted and Section 452 of IPC was added) at Police Station City Faridkot, District Faridkot and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

January 10, 2022

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No