

227.

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-52125-2021 (O&M)

Date of Decision: 21.02.2022

(Heard through VC)

PRINCE @ HARSH KUMAR GUPTA AND ORS Petitioners

Versus

STATE OF PUNJAB AND ANOTHER Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Shivya Sehgal, Advocate,
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Govind Singh Randhawa, Advocate, for
Mr. Lakhwinder Singh Mann, Advocate,
for respondent No.2.

JAISHREE THAKUR.J (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.23, dated 01.02.2021, registered under Sections 323, 341, 506, 148, 149 of IPC at Police Station Khanna City-2, Police District Khanna (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

The aforesaid FIR has been registered on the statement of complainant/respondent No.2-Rajpal Singh. 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/Illaqa Magistrate for getting their statements recorded in support of the compromise.

In pursuance of the direction, a report has been received from the learned Judicial Magistrate Ist Class, Khanna stating that in compliance of order dated 14.12.2021 passed by this Court, Prince @ Harsh Kumar Gutpa and Monu Bawa @ Shivam Giri, petitioners No.1 and 3 herein respectively, have appeared before the court and recorded their statements with regard to compromise, however, Rajan Giri and Ravi Kumar @ Sanju, arrayed as petitioners No.2 and 4 herein have not appeared, as they were suffering from fever. The compromise is genuine and has been effected between the parties voluntarily and without any sort of undue influence or coercion.

The complainant has recorded his statement that he has no objection in case the FIR is quashed qua the accused persons.

Learned counsel appearing on behalf of respondent-State on instructions from the Investigating Officer and learned counsel for the respondent No.2 admit the factum of compromise. Learned State counsel 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.23, dated 01.02.2021, registered under Sections 323, 341, 506, 148, 149 of IPC at Police Station Khanna City-2, Police District Khanna (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua petitioners on the basis of compromise dated 21.01.2021 (Annexure P-2).

(JAISHREE THAKUR)
JUDGE

21.02.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No