

109.

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

CRM-6138-2022 IN/AND

CRM-M-51258-2019

Date of Decision: 25.02.2022

(Heard through VC)

AVTAR SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Randeep Singh, Advocate,
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Hardeep Singh, Advocate,
for respondents No.2 and 3.

JAISHREE THAKUR.J (Oral)

CRM-6138-2022

Through the instant application, the applicant-petitioner has sought stay of proceedings under the FIR stating therein that the matter stands compromised between the parties and even statements of the parties qua genuineness of the said compromise have been recorded before the trial Court on 18.12.2019.

At this stage, Mr. Hardeep Singh, Advocate, has caused appearance on behalf of respondents No.2 and 3, who would submit that he has no objection in case the FIR is quashed since the matter has been

compromised as the statements of the parties have been recorded in that regard.

Since the matter stands compromised and statements of parties have already been recorded qua the genuineness of the same and even report has been received from the trial Court in this regard, instead of passing any order regarding stay of proceedings before the trial Court, as has been prayed, I deem it appropriate to prepone the matter, which is listed for hearing on 16.09.2022, today itself and proceed to decide the same.

The misc. application is disposed of in the above terms.

CRM-M-51258-2019

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.108, dated 16.06.2017, registered under Sections 307, 326, 458, 459 of IPC (Sections 326, 459 IPC added and Section 307 IPC deleted lateron) at Police Station Kharar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 22.11.2019 (Annexure P-2).

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

In pursuance of the direction, a report has been received from the learned Additional District & Sessions Judge, SAS Nagar (Mohali) stating that the compromise has been effected between the parties out of their free will, without pressure, coercion or force.

Learned counsel appearing on behalf of respondent-State on instructions from the Investigating Officer and learned counsel for the respondents No.2 & 3 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.108, dated 16.06.2017, registered under Sections 307, 326, 458, 459 of IPC (Sections 326, 459 IPC added and Section 307 IPC deleted lateron) at Police Station

Kharar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua petitioner on the basis of compromise dated 22.11.2019 (Annexure P-2).

(JAISHREE THAKUR)
JUDGE

25.02.2022

sanjeev

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