

**279 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

CRM-M-6498-2020 (O&M)

Date of Decision: 16.11.2023

GURSEWAK SINGH AND ORS.

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shubhashish Kukreti, Advocate for the petitioners.

Mr. Madhur Sharma, AAG Punjab.

Mr. Deepak Verma, Advocate
for respondents No. 2 to 4.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 235 dated 28.11.2019 registered under Sections 323/148/149/304 of Indian Penal Code at Police Station Pasyana, District Patiala and all subsequent proceedings arising therefrom in view of the affidavit of respondent No. 2 dated 10.01.2020 (Annexure P-2).

2. The FIR has been registered on the statement of complainant-respondent No. 2- that on 19.11.2019, when a quarrel took place between the complainant and petitioners party, petitioners gave blow of stick on the upper side of left eyes of respondent No. 2 and also gave stick blow to respondent No. 2/complainant and later on also gave stick blows to respondent No. 4. Now with the intervention of respectable persons, 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 trial court/Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report dated 20.09.2022 has been received from Judicial Magistrate First Class, Patiala stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer informs the Court that after a detailed, through and meticulous investigation conducted in the matter, the offence under Section 304 of IPC has been deleted from the FIR, refers to para No. 9 of the status report 31.01.2023 and along with learned counsel for respondents No. 2 to 4 admitted the factum of compromise and 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.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

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. A two Judge Bench of the Hon'ble Supreme Court in

Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC

63, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.*The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....*”

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** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 235 dated 28.11.2019 registered under Sections 323/148/149/304 of Indian Penal Code at Police Station Pasyana District Patiala and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

16.11.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No