

272 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-15960-2023 (O&M)

Date of Decision: 14.12.2023

BALDEV SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.S. Sarwara, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG Punjab.

Mr. Khushika Setia, Advocate
for respondent No. 2.

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. 103 dated 04.11.2013, registered under Sections 295, 323 and 506 of Indian Penal Code at Police Station Majitha, District Amritsar and all subsequent proceedings arising therefrom in view of the compromise dated 25.01.2023 (Annexure P-2).

2. The FIR has been registered on the statement of complainant-Dr. Rupinder Singh-respondent No. 2 on the allegations that the complainant is a practicing Doctor and has a Clinic in town Majitha. On 02.11.2013 at about 10.00 AM, a quarrel which took place between him and the petitioners due to table of sweets, being kept in front of the shop of the complainant. Then the petitioners started abusing the complainant, removed turban from his head, pulled his hair, pushed him and threw him on the road. 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/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report dated 06.12.2023 has been received from Judicial Magistrate Ist Class, Amritsar 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 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.

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

7. The parties have arrived at a compromise and settled their dispute. 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.....”

8. Consequently, keeping in view the fact that the dispute has been amicably settled between the remaining petitioners and respondent No. 2/complainant and in view of the law laid down by the Hon'ble Supreme Court in **Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256, Jayaraj Singh Digvijay Singh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589, 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. 103 dated 04.11.2013, registered under Sections 295, 323 and 506 of Indian Penal Code at Police Station Majitha, District Amritsar and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

(HARPREET SINGH BRAR)
JUDGE

14.12.2023
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No