

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 260

CRM-M-19674-2022
Date of Decision-22.11.2023

SUKHDEV SINGH @ SAINI AND ORS ... Petitioners
Versus

STATE OF PUNJAB AND ORS ... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. Fatehjeet Singh, Advocate for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Harkirat Singh Sandhu, Advocate
for respondent Nos.2 & 3.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Cr.P.C for quashing of FIR No.173, dated 14.09.2017 under Sections 307 & 120-B of IPC and Section 3 of Explosive Substance Act, 1908 registered at Police Station Division No.8, District Police Commissionerate Jalandhar (Annexure P-1).

2. Learned counsel for the petitioner contends that it is a case of no injury as such, Section 307 of IPC is not justified and no case under Section 307 of IPC is made out.

3. Learned counsel for the petitioner further relies upon case titled as ***Drug Inspector, Palace Road, Bangalore Vs. Dr. B.K. Krishnaiah and another*** reported as ***1981 (2) SCC 454*** to contend that admittedly, none of the explosive material as defined under Section 2 of the Act has been used in the present case and all the allegations contained in the FIR do not attract either the offence under Section 307 of IPC or Section 3 of the Explosive Substance Act, 1908.

4. Learned counsel for the petitioners has submitted that in the present case, the FIR has been registered on the statement of complainants and now with the intervention of respectable persons, the

matter has been amicably compromised between the parties and they have resolved their disputes and differences. It is further submitted that on 27.09.2022, both the parties 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 Additional District & Sessions Judge, Jalandhar stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

5. Learned State counsel has submitted that respondent Nos.2 & 3 admit the factum of compromise and submit that the parties have amicably resolved their dispute and 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. 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.....*”

8. 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.173 dated 14.09.2017

CRM-M-19674-2022

-3-

2023:PHHC:148997

registered under Sections 307, 120-B of Indian Penal Code and Section 3 of Explosive Substance Act, 1908 at Police Station Division No.8, District Police Commissionerate, Jalandhar and all subsequent proceedings arising out of the same are quashed qua petitioners.

22.11.2023

yogesh

(HARPREET SINGH BRAR)

JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No