

273 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30764-2023

Date of decision: 06.12.2023

HARKIRAT SINGH @ JASKIRAT SINGH AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Mamli, Advocate for the petitioners.

Mr. Brajesh Kumar, Advocate for

Mr. Naveen Kumar, Advocate for respondent Nos.2 to 7.

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.164 dated 15.10.2021 registered under Sections 324, 323, 506, 148/149 of Indian Penal Code at Police Station Amargarh, District Malerkotla and all subsequent proceedings arising therefrom in view of the compromise deed dated 24.03.2023 (Annexure P-2).

2. The FIR registered on the statement of complainant-respondent No.3 that on 13.10.2021, an unidentified individual vandalized the cameras of his shop and in the morning, he along with his father and brother were present in the shop and they discovered that cameras had been damaged. The petitioners were standing on the road and were armed with weapons. They intended to illegally take possession of the house of the complainants and also threatened them. Thereafter, gave beatings to the complainant and his family.

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 24.11.2023 has been received from Judicial Magistrate Ist Class, Malerkotla 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 and learned counsel for respondent Nos.2 to 7 admitted the factum of compromise and submitted 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. 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.

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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. A perusal of the report sent by Judicial Magistrate Ist Class, Malerkotla, indicates that respondent No.2 to 7, who are the complainants and victims/injured in the present FIR have made the statement in terms of the compromise effected between the parties.

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.164 dated 15.10.2021 registered under Sections 324, 323, 506, 148/149 of Indian Penal Code at Police Station Amargarh, District Malerkotla and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

December 06, 2023
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |