

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 274

CRM-M-41743-2023

Date of Decision-21.11.2023

SONA ALIAS SUKHDEV SINGH AND OTHERS ... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER ... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. K.S. Brar, Advocate for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Namdev Singla, 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.45 dated 15.03.2023 registered under Sections 307, 379-B, 323, 148, 149 & 506 of Indian Penal Code & Section 25, 27 of Arms Act at Police Station Nehianwala, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise.

2. Learned counsel for the petitioners has submitted that in the present case, the FIR has been registered on the statement of complainant-Gurbhej Singh 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 23.08.2023, 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 Judicial Magistrate First Class, Bathinda stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is a genuine one.

4. Learned State counsel has submitted that respondent No.2 admits 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.

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.45 dated 15.03.2023 registered under Sections 307, 379-B, 323, 148, 149 & 506 of Indian Penal Code and Section 26, 27 of Arms Act at Police Station Nehianwala, District Bathinda (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioners.

(HARPREET SINGH BRAR)
JUDGE

21.11.2023
yogesh

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