

CRM-M-50461-2021

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-50461-2021 (O&M)

Date of Decision: 15.12.2023

CHAND ARORA AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Anupam Bhardwaj, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG Punjab.

Mr. Vinay Puri, Advocate for
Mr. J.S. Thind, 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. 90 dated 03.05.2021, registered under Sections 307, 323, 506, 148, 149 of Indian Penal Code and Sections 25/27/54/59 of Arms Act 1959 at Police Station A Division Amritsar and all subsequent proceedings arising therefrom in view of the compromise dated 27.08.2021 (Annexure P-2).

2. The FIR has been registered on the statement of complainant-Kamaldeep Singh-respondent No. 2 on the allegations that the complainant and his sons Simranjit Singh-respondent No. 3 and Hargobind Singh-respondent No. 4 used to book the ticket of the deluxe buses by installing counter near city Centre back side Sangam Cinema in the name of Simran Tour and Travels. On 02.05.2021, when Simranjit Singh-respondent No. 3 was standing outside his house at about 9.30 PM, Chand Arora-petitioner No. 1 along with petitioner No. 4 came there and warned the petitioner No. 1 that if he wants to install the counter, the next day, at City Centre, then he will have to pay Rs. 5,000/- per month. It was about 3.30 PM, the petitioner No. 1

CRM-M-50461-2021

and one boy named Haryanvi came on bullet motorcycle and installed their counter in complainant's place. When the complainant and his sons tried to stop them, then the boy named Haryanvi slapped Hargobind Singh-respondent No. 4 and after 10-15 minutes the other petitioners came to the spot. Petitioner No. 1 gave dattar blow to respondent No. 3, which hit him on the left side of his back and other petitioners with the intention to kill the complainants sons, fired from their revolver towards respondents No. 3 and 4, but the respondents got saved. Then after hurling threats to the complainant and his sons, the assailants ran away from the spot. 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 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.

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. 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 between the remaining petitioners and respondent No. 2/complainant 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 (CrI.) 1052**, this petition is allowed and FIR No. 90 dated 03.05.2021, registered under Sections 307, 323, 506, 148, 149 of Indian Penal Code and Sections 25/27/54/59 of Arms Act 1959 at Police Station A Division Amritsar and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

(HARPREET SINGH BRAR)
JUDGE

15.12.2023
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No