

Dalbir Singh and others

State of Punjab and another ...Respondents

Present: None for the petitioners.

None for respondent No.2.

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.0054 dated 28.04.2017 under Sections 323, 324, 327, 506, 148, 149 of Indian Penal Code and Sections 325, 326 IPC (added later on) and Section 323 was deleted, registered at Police Station Sadar Tarn Taran District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 09.06.2023 (Annexure P-4).

The FIR has been registered on the statement of complainant on the allegations that the accused/petitioners attacked him over the dispute of land. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaga

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Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Additional Chief Judicial Magistrate, Tarn Taran stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

The report sent by the learned Additional Chief Judicial Magistrate, Tarn Taran in terms of order of this Court on 19.09.2023 would indicate that out of five petitioners, the statement of Jugraj Singh who is confined in Sub Jail, Haldwani, Uttarakhand, could not be recorded due to his non appearance and, therefore, the learned ACJM has opined that in the absence of petitioner No.2-Jugraj Singh, the compromise effected between the parties cannot be said to be genuine. The statement of respondent No.2/complainant-Sukhraj Singh attached with the report would indicate that respondent No.2 has entered into compromise with all the five petitioners and he has clearly stated that the compromise effected between the parties is genuine, voluntarily and without any coercion or influence.

Learned State counsel on instructions from the Investigating Officer admits the factum of compromise and submits 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.

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

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.....*”

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.0054 dated 28.04.2017 under Sections 323, 324, 327, 506, 148, 149 of Indian Penal Code and Sections 325, 326 IPC (added later on) and Section 323 was deleted, registered at Police Station Sadar Tarn Taran District Tarn Taran (Annexure P-1) and all subsequent proceedings arising out of the same are quashed *qua* petitioners.

(HARPREET SINGH BRAR)
JUDGE

08.11.2023
Neha

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