

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-47803-2023

Date of Decision: November 29, 2023

AJMER SINGH ALIAS KAKA AND ANR

.....Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Prince Sharma, Advocate for the petitioners.
Mr. I.P.S. Sabharwal, DAG, Punjab.
Mr. Rohit Sharma, 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.109 dated 26.08.2018 registered under Sections 307, 452, 506, 148 and 149 IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Jhabal, District Tarn Taran, (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 05.09.2023.

2. The FIR has been registered on the statement of complainants namely, Balwant Singh on the allegations that the accused-petitioners fired two gun-shots and also threatened to kill him. 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 08.11.2023 has been received from JMIC, 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.

4. Learned counsel for the petitioner contends that invocation of Section 307 of IPC is not justified. The perusal of allegations levelled by respondent No.2 indicates that it is a case of no injury as such no offence under Section 307 of IPC is made out. He further relies upon the judgment of this Court passed in '**Parambir Singh Gill Vs. Malkiat Kaur**' 2010 (1) R.C.R. (Criminal) 256 and **Jayaraj Singh Digvijaysingh Rana Vs. State of Gujarat and another**' 2012 (4) R.C.R. (Criminal) 589 to contend that the partial compromise with some of the accused is permissible.

5. Learned Assistant Advocate General, Haryana on instructions from Investigating Officer and learned counsel for respondent No.2 admit 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.

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.109 dated 26.08.2018 registered under Sections 307, 452, 506, 148 and 149 IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Jhabal, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioners.

29.11.2023
tejwinder

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No