

281 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-48175-2023 (O&M)

Date of Decision: 04.12.2023

VIJAY KUMAR AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amandeep Saini, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG Punjab.

Mr. Kulbir Singh Saini, Advocate
for respondents No. 2 and 3.

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. 228 dated 01.11.2020 registered under Sections 341, 323, 324, 382, 294, 506 and 34 of Indian Penal Code at Police Station Nangal District Rupnagar and all subsequent proceedings arising therefrom in view of the compromise dated 31.08.2023 (Annexure P-2).

2. The FIR registered on the statement of complainant-Surinder Kaur on the allegations that on 01.11.2020 at about 10 AM, when the complainant went to throw the cow dung then the petitioner No. 2 apprehended her in the passage, gripped her and stolen her ear rings. On raising noice, her husband i.e. petitioner No. 1 came out from his house, who was having a datar in his hand. Then petitioner No. 2 gave a blow from *Datar* on complainant's head and blood started oozing out. After making

CRM-M-48175-2023

hue and cry, people gathered there and the petitioners 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 dated 16.10.2023 has been received from Judicial Magistrate Ist Class, Rupnagar 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 respondents No. 2 and 3 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 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. 228 dated 01.11.2020 registered under Sections 341, 323, 324, 382, 294, 506 and 34 of Indian Penal Code at Police Station Nangal District Rupnagar and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

04.12.2023

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No