

292 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-50295-2023

Date of Decision: 05.12.2023

SAGAR KHAN @ SAGRI @ SAUDAGAR KHAN AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioners.

Mr. I.P.S. Sabharwal, DAG Punjab.

Dr. Hardeep Singh, 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. 138 dated 02.08.2023 registered under Sections 323, 324, 341, 506, 148 and 149 of Indian Penal Code (Section 326 of Indian Penal Code added later on) at Police Station City 2 Khanna, District Ludhaina and all subsequent proceedings arising therefrom in view of the compromise dated 21.09.2023 (Annexure P-2).

2. The FIR has been registered on the statement of complainant-Saleem Mohammad on the allegations that when on 31.07.2023 at about 12 o' clock in day time, he was going to hand over Rs. 85,000/- in his office 10-15 persons, including the petitioners came in front of him, started abusing him and gave injuries with their respective weapons. 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 24.11.2023 has been received from Sub Divisional Judicial Magistrate, Khanna 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 Deputy Advocate General, Punjab on instructions from the Investigating Officer and learned counsel for respondent No. 2 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 **Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256** and **Jayaraj Singh Rana Vs. State of Gujrat 2012(4) RCR (Crl.) 589**, **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. 138 dated 02.08.2023 registered under Sections 323, 324, 341, 506, 148 and 149 of Indian Penal Code (Section 326 of Indian Penal Code added later on) at Police Station City 2 Khanna, District Ludhaina and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

05.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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