

118 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M-51289-2023
Date of decision: 07.12.2023

NINDER SINGH AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vinay Kumar, Advocate for the petitioner.

Ms. Navreet Kaur Barnala, AAG Punjab.

Mr. Sanjeet S. Taank, Advocate for
Mr. Arun K. Gupta, Advocate 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.34 dated 28.05.2019 registered under Sections 430, 434, 427, 506, 34 of Indian Penal Code and Section 3 of Public Property (Prevention of Damage) Act, 1985 at Police Station Khalra, District Tarn Taran and all subsequent proceedings arising therefrom in view of the compromise dated 25.09.2023 (Annexure P-2).

2. The FIR has been registered on the statement of complainant-respondent No.2 on the allegations that he and his brother are farmers and that on 27.05.2019, the petitioner/owner of the land adjacent to the land owned by him and his brother, came along with some other persons at tractor make Preet and started ploughing the land of the complainant and his brother. When they both tried to stop the petitioners, they started abusing and giving threats of life. 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 18.11.2023 has been received from Judicial Magistrate Ist Class, Patti, 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 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. A perusal of the report sent by Judicial Magistrate Ist Class, Patti, indicates that respondent No.2, who is the complainants in the present FIR has

made the statement in terms of the compromise effected between the parties.

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.34 dated 28.05.2019 registered under Sections 430, 434, 427, 506, 34 of Indian Penal Code and Section 3 of Public Property (Prevention of Damage) Act, 1985 at Police Station Khalra, District Tarn Taran and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

December 07, 2023
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |