

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50942-2023

Date of decision: 19.12.2023

MITHU RAM AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Randeep S. Gill, Advocate for
Mr. Gopal Singh Nahel, Advocate for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Ranjit Singh Sidhu, Advocate for respondent Nos.2 to 4.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.196 dated 30.09.2021 registered under Section 458, 323, 506, 148 and 149 of Indian Penal Code at Police Station City Bhawanigarh, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 29.09.2023 (Annexure P-2).

2. The FIR has been registered on the statement of complainant-respondent No.2 on the allegations that on 29.09.2021 at about 9/10 at night, petitioners have attacked upon the complainant and his family members and gave them beatings. 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/Illaqa

Magistrate for getting their statements recorded in support of the compromise.

In pursuance of the direction, a report has been received from Addl. Chief Judicial Magistrate, Sangrur 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 State counsel on instructions from the Investigating Officer and learned counsel for the respondent Nos.2 to 4 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.

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

6. 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.....”

7. Consequently, keeping in view the fact that the dispute has been

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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.196 dated 30.09.2021 registered under Section 458, 323, 506, 148 and 149 of Indian Penal Code at Police Station City Bhawanigarh, District Sangrur (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioners.

(HARPREET SINGH BRAR)
JUDGE

December 19, 2023
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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |