

**224(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

CRM-M-51421-2023 (O&M)

Date of Decision: 17.11.2023

RAJINDER SINGH @ RAJU AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Bhinder, Advocate for
Mr. G.S. Bawa, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG Punjab.

Mr. G.S. Randhawa, 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 DDR No. 26 dated 09.08.2020 registered under Sections 307, 323, 324, 452, 148 and 149 of Indian Penal Code and Sections 25 and 27 of Arms Act (Sections 307, 120-B, 148, 149, 324, 336 and 34 of IPC added later on vide DDR No. 33 dated 01.09.2020) at Police Station Sadar Batala, Police District Batala in FIR No. 160 dated 09.08.2020 and all subsequent proceedings arising therefrom in view of the compromise dated 07.06.2023 (Annexure P-3).

2. The FIR has been registered on the statement of respondent No. 2- Harjinder Kaur- on the allegations that the petitioners had used abusive language with the complainant, her husband namely Jaswinder Singh, brother-in-law- Manjinder Singh and uncle-in-law- Gurmeet Singh and attacked them with their respective weapons and inflicted injuries upon

them. 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 01.11.2023 has been received from Judicial Magistrate Ist Class, Batala 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 submits that in case the parties have 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:-

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“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 (CrI.) 1052**, this petition is allowed and DDR No. 26 dated 09.08.2020 registered under Sections 307, 323, 324, 452, 148 and 149 of Indian Penal Code and Sections 25 and 27 of Arms Act (Sections 307, 120-B, 148, 149, 324, 336 and 34 of IPC added later on vide DDR No. 33 dated 01.09.2020) at Police Station Sadar Batala, Police District Batala in FIR No. 160 dated 09.08.2020 and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

(HARPREET SINGH BRAR)
JUDGE

17.11.2023

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No