

CRM-M-51036-2023

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-51036-2023 (O&M)

Date of Decision: 17.11.2023

DALJIT SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Randhawa, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG Punjab.

Mr. Mr. G.S. Bhinder, Advocate for
Mr. G.S. Bawa, 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. 160 dated 09.08.2020 registered under Sections 307, 148, 149, 120-B of Indian Penal Code (Sections 323, 324, 427, 34 of IPC added later on) (Sections 307, 120-B, 148 and 149 of IPC deleted later on) at Police Station Sadar Batala, Police District Batala 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- Kuldip Singh- on the allegations that on the day of occurrence, my nephew Rajinder Singh-respondent No. 3 made a telephonic call to me, asking for help on the ground that the petitioners armed with *dangs* have stopped his *rasta* (path). When I reached at the spot to save him, the petitioners attacked on us with their respective weapons. Now with the intervention of

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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 respondents No. 2 and 3 submits 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 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 FIR No. 160 dated 09.08.2020 registered under Sections 307, 148, 149, 120-B of Indian Penal Code (Sections 323, 324, 427, 34 of IPC added later on) (Sections 307, 120-B, 148 and 149 of IPC deleted later on) at Police Station Sadar Batala, Police District Batala and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

17.11.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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