

CRM-M-58712-2023

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-58712-2023 (O&M)

Date of Decision: 22.12.2023

LOVELY KUMAR @ LOVELY AULAKH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CRM-M-58692-2023 (O&M)

Date of Decision: 22.12.2023

AJIT SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Naveen Bawa, Advocate for the petitioners
in CRM-M-58712-2023 and for
respondents No. 2 to 4 in CRM-M-58692-2023

Mr. Madhur Sharma, AAG Punjab.

Mr. Vishnu Dutt, Advocate for the petitioners in
CRM-M-58692-2023 and for
respondents No. 2 and 3 in CRM-M-58712-2023.

HARPREET SINGH BRAR J. (Oral)

1. These petitions have been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR 0184 dated 30.07.2020, registered under Sections 307, 336, 341, 427, 148 and 149 of Indian Penal Code and Sections 25 and 27 of Arms Act at Police Station Ajnala, District Amritsar and the cross case bearing GD No. 38 dated 07.08.2020 registered under Sections 326, 323, 506, 427, 148 and 149 of Indian Penal Code at Police Station Ajnala, District Amritsar in the aforesaid FIR, and all subsequent proceedings arising therefrom, in view of the compromise dated

26.12.2022 (Annexure P-2).

2. The FIR in **CRM-M-58712-2023** has been registered on the statement of complainant-Ajit Singh Satpal-respondent No. 2 in CRM-M-58712-2023 on the allegations that on 29.07.2020, his son Harpreet singh, who was sitting on the wall of the school in the village, the petitioners came in one Scorpio Car, One Innova Car and one white colour car, and fired upon the son of the complainant with the intention to kill him, who got saved due to falling in front. The DDR in **CRM-M-58692-2023** has been registered on the statement of complainant-Baldev Singh-respondent No. 2 in CRM-N-58692-2023 on the allegations that on 30.07.2020 at about 8.00-9.00 PM, the petitioners armed with their respective weapons, gave *datar* blow to respondent No. 3, which hit on the elbow of left hand then petitioner No.1 gave blow of *datar* blow upon him and other petitioners also inflicted injuries to the complainant. 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, reports have been received from Judicial Magistrate Ist Class, Ajnala 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. Perusal of the report sent by the concerned Judicial Magistrate Ist Class would indicate that the statement of petitioner No. 9 in CRM-M-58692-2023 namely Sarwan Singh has not been recorded.

5. Faced with this, learned counsel for the private parties submit that statement of aforesaid petitioner has been recorded in the cross case i.e. CRM-M-58712-2023 in terms of the compromise and the offence under Section 307 of IPC has already been deleted during the course of investigation and the said fact has been affirmed by learned State counsel on instructions from ASI Prabhjeet Singh. Learned State counsel further on instructions from the Investigating Officer 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.

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

7. 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.....”

8. Consequently, keeping in view the fact that the dispute has been amicably settled between the parties and in view of the law laid down by the

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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 (Cr1.) 1052**, this petition is allowed and FIR 0184 dated 30.07.2020, registered under Sections 307, 336, 341, 427, 148 and 149 of Indian Penal Code and Sections 25 and 27 of Arms Act at Police Station Ajnala, District Amritsar and the cross case bearing GD No. 38 dated 07.08.2020 registered under Sections 326, 323, 506, 427, 148 and 149 of Indian Penal Code at Police Station Ajnala, District Amritsar in the aforesaid FIR and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

22.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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