

224-2

2023:PHHC: 165099

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-61550-2023
Date of Decision: 21.12.2023

KASHMIR SINGH AND OTHERS

.....Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. H.S Batth, Advocate,
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Devanch Khanna, 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.36 dated 08.06.2014 registered under Sections 326, 323, 324, 148, 149 of Indian Penal Code, at Police Station, Patti, District Tarn Taran (Annexure P-2), which is being investigated in FIR No.139 dated 06.06.2014 under Sections 326, 324, 323, 148, 149 of Indian Penal Code, at Police Station, Patti, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 01.03.2023 (Annexure P-3).

2. The DDR has been registered on the statement of complainant/respondent No.2-Chainchal Singh on the allegations that the accused-petitioners gave severe beatings to him. 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 Sub-Divisional Judicial Magistrate, 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 State counsel on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 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 amicably settled and in view of the law laid down by the Hon'ble Supreme Court in ***Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256 and Jayaraj Singh Rana Vs. State of Gujrat 2012(4) RCR (Crl.) 589, 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 of DDR No.36 dated 08.06.2014 registered under Sections 326, 323, 324, 148, 149 of Indian Penal Code, at Police Station, Patti, District Tarn Taran (Annexure P-2), which is being investigated in FIR No.139 dated 06.06.2014 under Sections 326, 324, 323, 148, 149 of Indian Penal Code, at Police Station, Patti, District Tarn Taran and all subsequent proceedings arising out of the same are quashed *qua* the petitioners only.

21.12.2023

Jyoti Thakur

**(HARPREET SINGH BRAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No