



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-9141-2024
Date of Decision: 12.08.2024

JOGINDER SINGH AND ORS ...Petitioners
Versus
STATE OF PUNJAB AND ORS ...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Puneet Sharma, Advocate for the petitioners.
Ms. Manjot Kaur, AAG, Punjab.
Mr. Jaskirat Singh, Advocate for respondent Nos. 2 to 4.

GURBIR SINGH, J (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.58, dated 23.02.2015, under Sections 326, 323, 148, 149 of IPC, registered at Police Station Patti (now Police Station Sadar Patti), District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 06.01.2024 (Annexure P-2).
2. The aforesaid FIR was registered on the statement of Jagtar Singh son of Sardara Singh. Jagtar Singh, complainant, died on 17.11.2018. He was unmarried. After his death, the respondents, who are the brothers/legal heirs of Jagtar Singh, compromised the matter with the petitioners vide compromise deed dated 06.01.2024 (Annexure P-2) and the supporting affidavits dated 06.01.2024 of respondents No.2 to 4, the legal heirs of complainant, as Annexures P-3, P-3/A, P-3/B.
3. This Court, vide order dated 29.02.2024, had directed the parties



to appear before the trial Court/Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send the report qua the genuineness of the compromise. Vide said order, the petitioners undertook to secure the presence of respondents No.2 to 4 before the learned trial Court at the time of recording the statement.

4. In compliance thereof, report dated 02.08.2024 from learned Sub-Divisional Judicial Magistrate, Patti, has been received through the District & Sessions Judge, Tarn Taran, with statements of the parties, in which, it has been mentioned that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence. On behalf of petitioners, statement was recorded by petitioner No.3- Gurinder Singh and petitioner No.2-Sarabjit Singh, as petitioner No.2 appeared for petitioners No.1, 4 to 6 as well, as their Special Power of Attorney.

5. Mr. Jaskirat Singh, Advocate, has caused appearance on behalf of respondents No.2 to 4 and filed *vakalatnama* on their behalf in Court today, which is taken on record. He has not disputed the factum of compromise arrived at between the parties.

6. Learned State counsel submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR.

7. I have heard learned counsel for the parties and have gone through the record.

8. 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.

9. Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and FIR No.58, dated 23.02.2015, under Sections 326, 323, 148, 149 of IPC, registered at Police Station Patti (now Police Station Sadar Patti), District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 06.01.2024 (Annexure P-2).

12.08.2024

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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No