

2024:PHHC:111140



276.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58009-2023

Date of decision: 27.08.2024

Jaspal Kumar and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Sukhveer Singh, Advocate for
Mr. Mandeep Kumar Dhot, Advocate, for the petitioners.

Mr. Rajinder Singh Bhatta, DAG, Punjab,
for respondent No.1.

Mr. Inder Pal Singh, Advocate, for respondents No.2 and 3.

GURBIR SINGH, J. (Oral)

1. Present petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.83, dated 24.10.2023, under Sections 341, 323, 506, 148, 149 of IPC, 1860 (Section 379-B of IPC added lateron), registered at Police Station Sherpur, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 10.11.2023 (Annexure P-2).

2. This Court, vide order dated 08.01.2024, had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send the report qua the genuineness of the compromise.

3. In compliance thereof, report dated 15.07.2023 from learned Judicial Magistrate Ist Class, Dhuri, has been received through the District & Sessions Judge, Sangrur, 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.

4. Learned counsel appearing on behalf of respondent No.2-complainant and respondent No.3-injured has not disputed the factum of compromise.

5. 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.

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

7. 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.

8. 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.83, dated 24.10.2023, under Sections 341, 323, 506, 148, 149 of IPC, 1860 (Section 379-B of IPC added lateron), registered at Police Station Sherpur, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 10.11.2023 (Annexure P-2).

(GURBIR SINGH)
JUDGE

August 27, 2024

sanjeev

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No