

275 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-59685-2023
Date of Decision: 22.01.2024

JAGMEET SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CRM-M-59930-2023
Date of Decision: 22.01.2024

PARAMJIT KAUR AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the parties.

ASI Om Parkash in person.

HARPREET SINGH BRAR J. (Oral)

1. This order of mine shall dispose of above mentioned two petitions, as the same are arising out of the same FIR.
2. These petitions have been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 16 dated 18.03.2023 (Annexure P-2) registered under Sections 323, 341, 506, 148, 149 of Indian Penal Code at Police Station Sadar Abohar, District Fazilka and rapat No. 30 dated 18.03.2023 (Annexure P-1) registered under Sections 323, 341, 148, 149, 506 of Indian Penal Code at Police Station Sadar Abohar, District Fazilka as cross version of aforesaid FIR and all consequential proceedings arising therefrom on the basis of compromise dated 16.11.2023.

3. In view of the resolution passed by Punjab & Haryana High Court Bar Association, there is no representation on behalf of the parties, however, a perusal of the cases would indicate that present petitions are cases of version and cross-version, regarding the fight which took place between aforementioned two parties, on account of a land dispute pending between them. Both the parties inflicted injuries upon the other party with stick(dang) and *kirpan* blows. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

4. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Judicial Magistrate Ist Class, Abohar for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate Ist Class, Abohar stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

5. I have gone through the record.

6. 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.....”

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 (Crl.) 1052**, both these petitions are allowed and FIR No. 16 dated 18.03.2023 registered under Sections 323, 341, 506, 148, 149 of Indian Penal Code at Police Station Sadar Abohar, District Fazilka and rapat No. 30 dated 18.03.2023 registered under Sections 323, 341, 148, 149, 506 of Indian Penal Code at Police Station Sadar Abohar, District Fazilka as cross version of aforesaid FIR and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

8. Both the petitions are hereby allowed.

(HARPREET SINGH BRAR)
JUDGE

22.01.2024
Ajay Goswami

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