
(2014) 05 P&H CK 0226
In the Punjab And Haryana At Chandigarh
Case No : Criminal Misc. No. M-27866 of 2013

Mangal Singh and Others	Vs	APPELLANT
State of Punjab and Others		RESPONDENT

Date of Decision : 20-05-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120-B, 148, 149, 211, 323

Citation : (2014) 05 P&H CK 0226

Hon'ble Judges : Inderjit Singh, J

Bench : Single Bench

Advocate : Sanjiv Gupta, Advocate for the Appellant; Jaspreet Singh, Assistant Advocate General, Punjab and Mr. Gaurav Longia, Advocate for Respondent Nos. 2 to 4, Advocate for the Respondent

Final Decision : Allowed

Judgement

Inderjit Singh, J.

This petition has been filed u/s 482 Cr.P.C. praying for quashing of FIR No. 79 dated 23.6.2010 (Annexure-P. 1) registered for the offences under Sections 323, 325, 341, 211, 420, 120-B, 148 and 149 IPC at Police Station Julkan, District Patiala and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P. 6).

The FIR has been registered on the statement of complainant-Avtar Singh on the allegations that on 23.6.2010 in Village Chaprarh near Banswal, Karam Singh and other accused after making unlawful assembly and armed with deadly weapons caused injuries to the complainant, Major Singh and Shamsher Singh. After investigation the accused-petitioners were challaned and charge-sheeted on 26.7.2011 (Annexure-P. 2). Since the parties are residents of same area, as such with the intervention of the respectable persons of the locality, the matter has been amicably settled between the parties and separate affidavits have also been sworn by the complainant-respondents and placed on record. Compromise deed

(Annexure-P. 6) in this regard has been entered into between the parties.

Reply by way of affidavit of Shri Jagjit Singh, PPS, Deputy Superintendent of Police, Rural, Patiala has been filed on behalf of the respondent-State and has contested the petition.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate, Patiala has sent her report dated 8.5.2014 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant Avtar Singh has stated that the matter has been compromised between them with the intervention of the respectables, which is voluntary, without any coercion and undue influence from any quarter and he has no objection if the aforesaid FIR is quashed. Respondents No. 3 and 4 have also got recorded their statements to the same effect.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer has contested this petition on the ground that the compromise entered into between the parties was not brought to the notice of the Police.

Learned counsel for complainant-respondents No. 2 and 4 admits the factum of compromise and submits that the private respondents have indeed settled their dispute and they have no objection to the quashing of the FIR in view of the law laid down by the Hon"ble Supreme Court.

I have gone through the record and have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondents No. 2 to 4.

In a decision, based on compromise, none of the parties is a loser. Rather, 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.

The Hon"ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, has held that the inherent jurisdiction of this Court u/s 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable. Therefore, keeping in view the fact that the dispute has been amicably settled and the law laid down in Gian Singh v. State of Punjab and

another (supra), this petition is allowed and FIR No. 79 dated 23.6.2010 (Annexure-P. 1) registered for the offences under Sections 323, 325, 341, 211, 420, 120-B, 148 and 149 IPC at Police Station Julkan, District Patiala and all subsequent proceedings arising out of the same are hereby quashed.