

Dilbagh Singh and Others Vs. State of Punjab and Others

Dilbagh Singh and Others Vs. State of Punjab and Others

SooperKanoon Citation : sooperkanoon.com/1158566

Court : Punjab and Haryana

Decided On : Jul-23-2014

Appellant : Dilbagh Singh and Others

Respondent : State of Punjab and Others

Judgement :

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH Criminal Misc.

No.M-12486 of 2014 Date of decision: July 23, 2014 Dilbagh Singh and others ...Petitioners Versus State of Punjab and others ...Respondents CORAM: HON'BLE Mr.JUSTICE INDERJIT SINGH Present: Mr.Vipin Mahajan, Advocate, for the petitioners.Mr.Sandeep Bansal,Assistant Advocate General, Punjab, for respondent(s) No.1-State.

Mr.Dheeraj Mahajan, Advocate, for respondent Nos.2 and 3.

**** INDERJIT SINGH, J.

Petitioners Dilbagh Singh, Saroop Singh, Amarbir Singh and Harpal Singh have preferred this petition under Section 482 Cr.P.C.for quashing of FIR No.70 dated 19.07.2013 (Annexure P-1).registered at Police Station Sadar Gurdaspur, District Gurdaspur under Sections 326, 323, 324, 34 IPC and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2).The FIR in the present case has been registered on the statement of complainant Balkar Singh in

which he stated that on 16.07.2013, accused Dilbagh Singh, Amarbir Singh, Sarup Singh and Harpal Singh armed with 'datar' came to his house and caused injuries to him and his brother Ajit Singh.

Malhotra Mamta 2014.07.31 13:53 Since the parties are close relatives and are residents of same I attest to the accuracy and integrity of this document
Chandigarh Criminal Misc.

No.M-12486 of 2014 [2].area as such with the intervention of the respectable persons of the locality, the matter has been amicably settled between them.

Compromise deed (Annexure-P-2) in this regard has been entered into between the parties.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court/Illaq Magistrate for getting their statements recorded in support of the compromise.

After doing the needful, learned Additional Chief Judicial Magistrate, Gurdaspur has sent his report dated 26.04.2014 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 Balkar Singh and injured Ajit Singh have 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.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for respondent Nos.2 and 3-complainant admits the factum of compromise and submits 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.

I have gone through the record and have heard learned counsel for the petitioners, learned State counsel as well as learned counsel for respondent Nos.2

and 3-complainant.

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

Rather, compromise not only brings peace and harmony between Malhotra Mamta
2014.07.31 13:53 I attest to the accuracy and integrity of this document
Chandigarh Criminal Misc.

No.M-12486 of 2014 [3].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 under Section 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 the FIR No.70 dated 19.07.2013 (Annexure P-1).registered at Police Station Sadar Gurdaspur, District Gurdaspur under Sections 326, 323, 324, 34 IPC and all subsequent proceedings arising therefrom qua petitioners are hereby quashed .

July 23, 2014 (INDERJIT SINGH) mamta JUDGE Malhotra Mamta 2014.07.31
13:53 I attest to the accuracy and integrity of this document Chandigarh

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com