

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-29144 of 2015

.....

Date of decision:30.11.2015

Mahipal alias Pala and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

....

Present: Mr. R.S. Hooda, Advocate for the petitioners.

Mr. Brijesh Sharma, Assistant Advocate General, Haryana for
the respondent-State.

Mr. Sachin Jain, Advocate for complainant-respondent No.3.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.387 dated 9.7.2015 (Annexure-P.1) registered for the offences under Sections 307, 506 and 34 IPC and Section 25 of the Arms Act at Police Station Hodal, District Palwal and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

Learned counsel for the petitioner argued that no injury dangerous to life with fire arm has been inflicted to the complainant.

The FIR has been registered on the statement of complainant-Rohtash on the allegations that the accused-petitioners attacked them and inflicted injuries. They fired shot at the complainant with their country made pistols. Both the shots went near his right ear, due to which he got saved narrowly. Now with intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved

their disputes and differences.

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 Sub Divisional Judicial Magistrate, Hodal has sent his report dated 15.10.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.3 admit the factum of compromise and submit 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 heard learned counsel for the petitioners as well as learned Assistant Advocate General, Haryana and learned counsel for complainant-respondent No.3 and have gone through the record.

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.

[3]

Therefore, keeping in view the fact that the matter has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.387 dated 9.7.2015 (Annexure-P.1) registered for the offences under Sections 307, 506 and 34 IPC and Section 25 of the Arms Act at Police Station Hodal, District Palwal and all subsequent proceedings arising out of the same are hereby quashed.

November 30, 2015.

(Inderjit Singh)
Judge

hsp