

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33237 of 2014

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Date of decision:22.1.2015

Suhail Ahmad and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. S.S. Gill, Advocate for Mr. A.P. Singh, Advocate for the petitioners.

Mr. Deepak Grewal, Deputy Advocate General, Haryana for the respondent-State.

Mr. Sudhir Rana, Advocate for complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.167 dated 30.5.2011 (Annexure-P.1) registered for the offences under Sections 148, 149, 323 and 506 IPC and (Sections 325 and 452 IPC, which were added later on) at Police Station Old Faridabad, District Faridabad and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Mujaffar Hassan as on 30.5.2011 the private respondents had some arguments which eventually converted into fight, in which the

complainant party received injuries. Now with intervention of respectable persons of the Panchayat, the matter has been amicably compromised between the parties and they have resolved their dispute, therefore, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Faridabad has sent his report dated 15.12.2014 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 Mujaffar Hassan and respondents No.3 to 7 have stated that they have entered into compromise with the accused persons without any pressure or coercion and they have no objection if the FIR is quashed.

Learned Deputy Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for complainant-respondent No.2 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 Deputy Advocate General, Haryana and learned counsel for complainant-respondent No.2 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

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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.

Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, wherein it has been 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, this petition is allowed and FIR No.167 dated 30.5.2011 (Annexure-P.1) registered for the offences under Sections 148, 149, 323 and 506 IPC and (Sections 325 and 452 IPC, which were added later on) at Police Station Old Faridabad, District Faridabad and all subsequent proceedings arising out of the same are hereby quashed.

January 22, 2015.

(Inderjit Singh)
Judge

hsp