

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-38881 of 2014

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Date of decision:20.1.2015

Budhvir and others

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

(2) Criminal Misc. No.M-38882 of 2014

.....

Khurshid and another

.....Petitioners

v.

State of Haryana and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. S.S. Swaich, Advocate for the petitioners in Cr.
Misc. No.M-38881 of 2014 and for respondents No.2 to
4 in Cr. Misc. No.M-38882 of 2014.

Mr. Tekwinder Singh Rai, Advocate for the petitioners in Cr.
Misc. No.M-38882 of 2014 and for respondent No.2 in Cr.
Misc. No.M-38881 of 2014.

Mr. Surinder Singh Pannu, Deputy Advocate General,
Haryana for the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal
miscellaneous petitions i.e. Criminal Misc. No.M-38881 of 2014 filed by
Budhvir etc. under Section 482 Cr.P.C. for quashing of FIR No.56 dated
19.6.2010 registered for the offences under Sections 148, 149, 323, 307

and 506 IPC and Section 25 of the Arms Act at Police Station Hassanpur, District Palwal and Criminal Misc. No.M-38882 of 2014 filed by Khurshid etc. for quashing of FIR No.57 dated 20.6.2010 registered for the offences under Sections 148, 149, 323, 325, 307, 506, 201 and 34 IPC (Sections 325, 201 and 34 IPC, which were added later on) and Section 25 of the Arms Act at Police Station Hassanpur, District Palwal and all other subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners state that no injury has been declared as dangerous to life. It is a case of version and cross-version. A fight took place between two groups of adjoining villages, but now the parties have settled the matter amicably. They further stated that in the FIR and in cross-version, so many persons have been named, but there is no fire arm injury on the vital part of anybody as per the report of the doctor.

It is pertinent to mention here that there was election dispute between the parties on account of Gram Panchayat elections. Now with the intervention of respectable persons, the parties have compromised the matter and have amicably settled all their disputes and written compromise dated 6.10.2014 has been entered into. The petitioners are residents of adjoining villages and now want to live in peace in future and by keeping in view their future, they have buried the hatchet and settled all their disputes.

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 Additional Sessions Judge, Palwal has sent his two reports No.36 and 37 dated 9.1.2015 submitting that the compromise arrived at between the parties are without any pressure or coercion from any one and the same are genuine. Complainant-injured Khurshid in Cr. Misc. No.38881 of 2014 and complainant-injured Digambar, Ram Parshad and Karambir in Cr. Misc. No.M-38882 of 2014 have stated that they have entered into a compromise/settlement which will bring harmony in their relations and it will be in the benefit of both the parties. They have settled all their litigation and have no grudge against each other and have no objection if the above said FIRs are quashed.

Learned Deputy Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for complainants 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 and Rapat 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 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.

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 matter has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), these petitions are allowed and FIR No.56 dated 19.6.2010 registered for the offences under Sections 148, 149, 323, 307 and 506 IPC and Section 25 of the Arms Act at Police Station Hassanpur, District Palwal and FIR No.57 dated 20.6.2010 registered for the offences under Sections 148, 149, 323, 325, 307, 506, 201 and 34 IPC (Sections 325, 201 and 34 IPC, which were added later on) and Section 25 of the Arms Act at Police Station Hassanpur, District Palwal and all other subsequent proceedings arising out of the same are hereby quashed.

November 20, 2015.

(Inderjit Singh)
Judge

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