

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-11701 of 2016

.....

Date of decision:30.5.2016

Surender

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Alisha Soni, Advocate for Mr. Shalender Mohan, Advocate for the petitioner.

Mr. D.R. Singla, Deputy Advocate General, Haryana for the respondent-State.

Mr. Naveen Dahuja, 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.498 dated 18.7.2015 (Annexure-P.1) registered for the offences under Sections 380, 201, 440, 447, 452, 506, 34 and 120-B IPC at Police Station Hansi City, District Hisar and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Sachin Jain on the allegations that the accused-petitioner along with his accomplices threatened him to transfer his property in his name as the petitioner wanted to purchase it. On the refusal of the complainant, he

entered the property of the complainant and destroyed the same, the tree was cut, hand pump was uninstalled and the Sehtir and other proofs were got burnt and he tried to possess it illegally. Now with the 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, Hansi has sent her report dated 18.5.2016 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 Deputy Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for the 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 petitioner 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 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.498 dated 18.7.2015 (Annexure-P.1) registered for the offences under Sections 380, 201, 440, 447, 452, 506, 34 and 120-B IPC at Police Station Hansi City, District Hisar and all subsequent proceedings arising out of the same are hereby quashed.

May 30, 2016.

(Inderjit Singh)
Judge

hsp