

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-12935 of 2016 (O&M)

.....

Date of decision:20.10.2016

Mohd. Rafiq and another

.....Petitioners

v.

State of Haryana and others

.....Respondents

....

Present: Mr. Sarfraj Hussain, Advocate for the petitioners.

Mr. B.S. Virk, Deputy Advocate General, Haryana
for the respondent-State.

None for the respondents No.2 to 4.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.43 dated 2.2.2015 for the offences under Sections 323 and 285 IPC and (Section 307 IPC and Section 25 of the Arms Act, which added later on) registered at Police Station Punhana, District Mewat and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2) entered into between the parties.

The FIR in the present case has been got registered by complainant-SI Jai Chand on the allegations that three injured persons of one family were admitted due to firing of shot between them. Injured Sahid, who was declared fit by the Doctor to give his statement, refused to get recorded his statement and stated that he will give his statement after thinking and consultation. It has been mentioned that the parties are real

brothers and it is a dispute between the family. It is relevant to mention here that the alleged injury attracting offence under Section 307 IPC was received by the real brother of petitioner No.1. Since the dispute is between the blood relation and the same stands amicably settled, the quashing of present FIR will help in bringing peace and harmony in the family. Now with the intervention of respectable persons and family members, the matter has been amicably settled between the parties and they have resolved their dispute amongst themselves with the help of respectable persons known to both the parties.

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, Ferozepur Jhirka, has sent his report dated 1.10.2016 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 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 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.

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.43 dated 2.2.2015 for the offences under Sections 323 and 285 IPC and (Section 307 IPC and Section 25 of the Arms Act, which added later on) registered at Police Station Punhana, District Mewat and all subsequent proceedings arising out of the same are hereby quashed.

October 20, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No