

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-16476 of 2016

.....

Date of decision:12.7.2016

Jai Chand and others

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

Present: Mr. Vikas P. Singh, Advocate for the petitioners.

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

Mr. Mahipal S. Yadav, Advocate for the complainant-
respondent No.2.

.....

Inderjit Singh, J.

Jai Chand and others-petitioners have filed this petition under Section 482 Cr.P.C. praying for quashing of FIR No.130 dated 8.5.2015 (Annexure-P.1) for the offences under Sections 323, 325, 341, 307, 506 and 34 IPC registered at Police Station Badhara, District Bhiwani 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-Dharambir on the allegations that the petitioners came and asked what he was doing in their plot and started giving blows of Jelli and Axe on his person and also gave beatings to his wife when she intervened. Now with the intervention of Panchayat and respectable persons of the

village and family, the complainant-respondent No.2 does not want to pursue the matter against the petitioners any further. The compromise has been arrived at between them without any pressure and coercion. It has also been settled that the petitioners shall do every possible help for quashing the present FIR and the complainant-respondent No.2 shall have no objection in case the FIR is quashed by this Hon'ble High Court.

Learned counsel for the petitioners argued that no injury dangerous to life has been caused to the complainant or to his wife by the petitioners and the matter has been amicably compromised between the parties, therefore, the present FIR may be quashed.

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 Judicial Magistrate Ist Class, Charkhi Dadri, has sent his report dated 19.5.2016 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 petitioners as well as

[3]

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 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.130 dated 8.5.2015 (Annexure-P.1) for the offences under Sections 323, 325, 341, 307, 506 and 34 IPC registered at Police Station Badhara, District Bhiwani and all subsequent proceedings arising out of the same are hereby quashed.

July 12, 2016.

(Inderjit Singh)
Judge

hsp