

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-18970 of 2016

.....

Date of decision:20.9.2016

Rakesh

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Present: Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Brijesh Sharma, Assistant Advocate General, Haryana for
the respondent-State.

None for the 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.62 dated 30.3.2016 for the offences under Sections 25 and 27 of the Arms Act and Sections 307 and 34 IPC registered at Police Station Uchana, District Jind and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2) entered into between the parties.

Learned counsel for the petitioner argued that no injury dangerous to life has been inflicted to the complainant, hence the offence under Section 307 IPC is not made out and the matter has been amicably compromised between the parties.

The FIR in the present case has been got registered by complainant-Balwinder on the allegations that when the complainant was

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operating DJ in a marriage party in his Village Kusun, the petitioner came to him and asked him to play a song of his choice. On this, some altercation took place and he fired upon the complainant, however, the same did not hit him. Then the petitioner gave a butt blow of pistol to the complainant. Now with the intervention of respectable persons, 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. Respondent No.2 has no objection if the above mentioned FIR is 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 Sub Divisional Judicial Magistrate, Narwana, has sent his report dated 20.8.2016 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 Assistant 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 petitioner as well as learned Assistant Advocate General, Haryana and have gone through the record.

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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.62 dated 30.3.2016 for the offences under Sections 25 and 27 of the Arms Act and Sections 307 and 34 IPC registered at Police Station Uchana, District Jind and all subsequent proceedings arising out of the same are hereby quashed.

September 20, 2016.

(Inderjit Singh)
Judge

hsp

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