

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.36088 of 2016
and
Criminal Misc. No.M-2051 of 2016

.....

Date of decision:16.12.2016

Rajpal and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. L.S. Sekhon, Advocate for Mr. Jagmohan Singh Ghuman,
Advocate for the petitioners.

Mr. Kuldip Sharma, Deputy Advocate General, Haryana for
the respondent-State.

Mr. Himanshu Puri, Advocate for respondents No.2 to 4.

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Inderjit Singh, J.

Cr. Misc. No.36088 of 2016:

For the reasons mentioned in the criminal miscellaneous application, corrected memo of parties (Annexure-P.6) (Colly.) and Annexure-P.7 (Colly.) are taken on record.

The criminal miscellaneous application stands disposed of.

Cr. Misc. No.M-2051 of 2016:

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.824 dated 31.12.2015 (Annexure-P.1) registered for the offences under Sections 323, 307, 506 and 34 IPC at Police Station

Manesar, District Gurgaon and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Joginder alias Kalu on the allegations that the accused-petitioners attacked Sudhir and inflicted injuries. In the meantime, his other accomplices also came in a car and motorcycle and started beating Sudhir and along with them one other person in Swift car struck his car with Sudhir, who suffered many injuries. Meanwhile, Police gypsy came on the spot due to which the assailants ran away from the spot. Sudhir was admitted in Rockland Hospital at IMT Manesar for treatment. The above said persons with an intention to kill complainant's brother hit him with the car. 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 Additional Chief Judicial Magistrate, Gurgaon has sent his report dated 14.9.2016 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-respondents No.2 to 4 admit the factum of compromise and submit that in

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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 learned counsel for complainant-respondents No.2 to 4 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.824 dated 31.12.2015 (Annexure-P.1) registered for the offences under Sections 323, 307, 506 and 34 IPC at Police Station Manesar, District Gurgaon and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

December 16, 2016.

(Inderjit Singh)
Judge

hsp

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