

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-21526 of 2016 (O&M)

.....

Date of decision:31.8.2016

Malkhan

.....Petitioner

v.

State of Haryana and another

.....Respondents

.....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

.....

Present: Mr. Sarvjit Singh Khurana, 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 2.3.2016 (Annexure-P.2) registered for the offences under Sections 411 and 420 IPC at Police Station Dharuhera, District Rewari and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

The FIR has been registered on the statement of complainant-ASI Madan Lal on the allegations that complainant-Ravinder Kumar got registered FIR No.311 dated 12.6.2015 under Section 379 IPC at Police Station Bhiwadi regarding theft of his motorcycle bearing No.HR-60-D-

5816. The present FIR bearing FIR No.62 dated 2.3.2016 was registered for the offences under Sections 411 and 420 IPC against the petitioner at Police Station Dharuhera, District Rewari regarding the theft of above mentioned motorcycle of respondent No.2. Now with the intervention of respectable persons, the matter has been amicably settled and compromise has been entered into between the parties, therefore, 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, Rewari has sent her report dated 23.8.2016 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.

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 2.3.2016 (Annexure-P.2) registered for the offences under Sections 411 and 420 IPC at Police Station Dharuhera, District Rewari and all subsequent proceedings arising out of the same are hereby quashed.

August 31, 2016.

**(Inderjit Singh)**  
**Judge**

\*hsp\*

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| <b>NOTE:</b> | Whether speaking/reasoned: | Yes |
|              | Whether reportable:        | No  |