

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-25455 of 2015

.....

Date of decision:22.4.2016

Soni and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Randeep Singh, Advocate for the petitioners.

Mr. D.R. Singla, Deputy Advocate General, Haryana for
the respondent-State.

Mr. J.P. Sharma, Advocate for the complainant-respondents
No.2 and 20.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.28 dated 26.1.2015 registered for the offence under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Pehowa, District Kurukshetra and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.1).

The FIR has been registered on the statement of complainant-Sahab Singh on the allegations that the accused-petitioners had destroyed the statues of Baba Bhim Rao Ambedkar and Saint Ravi Dass from the

disputed land and abused the complainants by giving filthy comments on his caste. 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 Additional Sessions Judge, Kurukshetra has sent her report dated 20.2.2016 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 complainant-respondents No.2 and 20 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 learned Deputy Advocate General, Haryana, and learned counsel for complainant-respondents No.2 and 20 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

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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.28 dated 26.1.2015 registered for the offence under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Pehowa, District Kurukshetra and all subsequent proceedings arising out of the same are hereby quashed.

April 22, 2016.

(Inderjit Singh)
Judge

hsp