

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-12460 of 2017

.....

Date of decision:10.5.2017

Narender

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

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

Mr. Mohit Rathee, Advocate for the complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.22 dated 18.2.2017 registered for the offences under Sections 307 and 34 IPC and Section 25 of the Arms Act at Police Station Bawani Khera, 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-Jitender on the allegations that the petitioner along with his accomplices tried to stop his motorcycle by abusing. The complainant accelerated his motorcycle and they followed him by their vehicle and took his motorcycle towards the 'Katcha' portion due to which their vehicle

[2]

overtook him and the complainant ran away towards the Rohnat side. Thereafter, he made telephonic call to his relative and all these four boys came towards the village having their vehicle and fired upon him. One of them was Narender son of Ram Niwas. 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.

Learned counsel for the petitioner argued that it is a no injury case and the matter has been amicably compromised between the parties.

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, Bhiwani, has sent his report dated 1.5.2017 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 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.

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I have heard learned counsel for the parties 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.22 dated 18.2.2017 registered for the offences under Sections 307 and 34 IPC and Section 25 of the Arms Act at Police Station Bawani Khera, District Bhiwani and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

May 10, 2017.

(Inderjit Singh)
Judge

hsp

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