

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-16979 of 2014 (O&M)

.....

Date of decision:13.10.2014

Vikas Gupta and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Anupam Bhanot, Advocate for the petitioners.

Mr. Kartar Singh, Deputy Advocate General, Haryana
for the respondent-State.

Mr. Amit Chaudhary, Advocate for respondents No.2 and 3.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.41 dated 1.2.2014 (Annexure-P.1) registered for the offences under Sections 323, 307, 506 and 34 IPC at Police Station Faridabad Kotwali, District Faridabad and all subsequent proceedings arising therefrom in view of the compromise/affidavit dated 19.2.2014 (Annexure-P.2).

The FIR has been registered on the statement of complainant-Dina Nath Vohra on the allegations that on 27.1.2014, Vinod Kumar Bali, S.G.M. Nagar has booked Metro Garden, in which complainant's son Sagar

Vohra has been working as Manager, for marriage and wedding party of Ved Parkash had come from Delhi. DJ was stopped around 12.30 a.m. on the asking of the Police, but the members of wedding party asked Sagar Vohra to play DJ, which he denied. Then the members of the wedding party started beating Sagar Vohra and he received serious injuries. He was saved by Amar Singh on hearing noise. They also threatened to kill him. Complainant's son was admitted in Central Hospital, but as state of health was getting worse, so he admitted his son in Apollo Hospital, Delhi. Now with the intervention of respectable, misunderstanding in respect of the said incident has been removed and the matter has been compromised between the parties and they are willing to live peacefully and bury the hatchet.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned Chief Judicial Magistrate, Faridabad for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate has sent his report dated 6.10.2014 submitting that the compromise arrived at between the parties is without any threat or pressure from either side. Complainant Dina Nath Vohra and his son Sagar Vohra have stated that the compromise has been arrived at with the accused persons and the same is not due to any threat, coercion and undue influence from the accused side and is a volunteer act of the parties and they have no objection if the FIR is quashed.

Learned counsel for the petitioners contended that the petitioners were not armed with any weapon and only fist and kick blows were given to the son of the complainant. He further contended that no

injury on vital parts of the body, dangerous to life, has been inflicted, hence the offence under Section 307 IPC is not made out in the facts and circumstances of the case.

Notice of motion was issued in this case. Mr. Kartar Singh, learned Deputy Advocate General, Haryana put in appearance on behalf of the respondent-State and Mr. Amit Chaudhary, Advocate appeared for respondents No.2 and 3. They contended that the parties have entered into compromise and settled their dispute amicably.

Learned Deputy Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for complainant-respondents No.2 and 3 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 gone through the record and have heard learned counsel for the petitioners as well as learned Deputy Advocate General, Haryana and learned counsel for complainant-respondents No.2 and 3.

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.

The Hon'ble Supreme Court in Gian Singh v. State of Punjab

and another, 2012 (4) RCR (Cr.) 543, has held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable. Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), this petition is allowed and FIR No.41 dated 1.2.2014 (Annexure-P.1) registered for the offences under Sections 323, 307, 506 and 34 IPC at Police Station Faridabad Kotwali, District Faridabad and all subsequent proceedings arising out of the same are hereby quashed.

October 13, 2014.

(Inderjit Singh)
Judge

hsp