

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-25561 of 2016

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Date of decision:4.10.2017

Rupinder Singh

.....Petitioner

v.

State of Haryana and others

.....Respondents

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Sheena Khana, Advocate for Mr. H.P.S. Ishar, Advocate for the petitioner.

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

Mr. Ashwani Bakshi, Advocate for the complainant-respondents No.2 to 4.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.29 dated 25.2.2012 (Annexure-P.1) registered for the offences under Sections 336, 427 and 506 IPC at Police Station Bilaspur, District Yamuna Nagar and all subsequent proceedings arising therefrom in view of the compromise/affidavit (Annexure-P.3).

The FIR has been registered on the statement of complainant-Harbhajan Singh on the allegations that the accused-petitioner, who is son of his paternal uncle (Chacha), took his tractor trolley in his land, in which 'Methi' and 'Tori' crops were standing, with an intention to forcibly carving out passage through complainant's fields to load sugarcane on his trolley.

On reaching the spot, the complainant saw that the petitioner had destroyed his crop with his tractor trolley and water channel in complainant's fields was also dismantled. The complainant went towards his fields and then Rupinder Singh and other accused accompanying him said in loud voice that they had come on that day to kill them. In the meantime, Rupinder Singh raised a 'Lalkara' and fired two shots towards Kul Avtar Singh and Jaswant Singh and they bent to the ground to save themselves. If they would not have bent to the ground, then they would have been shot. After firing, they ran to sugarcane field and secretly came back to home. The complainant also ran inside his house and they bolted the doors from inside. Rupinder Singh kept on raising 'Lalkara' that on that day he would kill Harbhajan Singh and as the respondents No.3 and 4 had come to support him, he would also kill them. 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 Judicial Magistrate Ist Class, Bilaspur has sent report dated 20.12.2016 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 and learned counsel for the complainant-

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respondents No.2 to 4 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 parties as well as learned State counsel 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.29 dated 25.2.2012 (Annexure-P.1) registered for the offences under Sections 336, 427 and 506 IPC at Police Station Bilaspur, District Yamuna Nagar and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

October 4, 2017.

(Inderjit Singh)
Judge

hsp

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