

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-25854 of 2017

.....

Date of decision:29.9.2017

Narender

.....Petitioner

v.

State of Haryana and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Bhavna Grewal, Advocate for Dr. Anand Kumar Bishnoi,
Advocate for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana for
the respondent-State.

Mr. Manu Rattan, Advocate for complainant-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.0101 dated 26.3.2017 (Annexure-P.1) registered for the offences under Sections 285, 323 and 506 IPC and Section 25 of the Arms Act at Police Station Bhupani, District Faridabad and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Nagendra on the allegations that the accused-petitioner along with his accomplices, when the complainant demanded money for the articles sold to them, started abusing him and one person gave a brick blow on right side of

his head and the complainant received injuries on his head. When Tarbej tried to rescue the complainant, he was also given brick blow on his head and on hearing noise Vikas Vayas also came and was given slaps and fist blow. When they raised alarm then many shopkeepers gathered and on seeing the gathering two boys took out illegal weapons from their trousers and fired in the air. Each of them fired one shot and ran away from the spot. While running away they threatened them that in case anyone again demanded money for ration, they they will kill him. If anyone informed Police then he will be eliminated and on this they got frightened. 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, Faridabad has sent report dated 8.9.2017 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 Deputy Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for the 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 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.0101 dated 26.3.2017 (Annexure-P.1) registered for the offences under Sections 285, 323 and 506 IPC and Section 25 of the Arms Act at Police Station Bhupani, District Faridabad and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

September 29, 2017.

(Inderjit Singh)
Judge

hsp

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