

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-30148 of 2016

.....

Date of decision:13.7.2017

Suresh Kumar

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. J.P. Ahlawat, Advocate for Mr. N.D. Achint, Advocate for the petitioner.

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

None for the complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.225 dated 13.10.2013 (Annexure-P.1) registered for the offences under Sections 353 and 186 IPC and (Section 332 IPC, which was added later on) at Police Station Dabwali Sadar, District Sirsa and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant- Dr. Om Parkash Bhambhu on the allegations that the accused-petitioner under the influence of liquor abused the Staff Nurse and the complainant and when the complainant asked him to stop, he scuffled with him. Both

the accused and the complainant are in the same department and were posted in the same hospital at Chautala. 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, Dabwali has sent report dated 18.4.2017 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 admits the factum of compromise and submits 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 petitioner 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.225 dated 13.10.2013 (Annexure-P.1) registered for the offences under Sections 353 and 186 IPC and (Section 332 IPC, which was added later on) at Police Station Dabwali Sadar, District Sirsa and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

July 13, 2017.

(Inderjit Singh)
Judge

hsp

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