

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-31767 of 2016

.....

Date of decision:29.3.2017

Anish Kaul and others

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Mannat Anand, Advocate for the petitioners.

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

Mr. Dinesh Saini, Advocate for 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.204 dated 19.8.2016 (Annexure-P.1) registered for the offences under Sections 332, 353, 506 and 34 IPC at Police Station Chandimandir, District Panchkula and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Balwan Singh on the allegations that the accused-petitioners were taking liquor in white Car No.HR-01-G-0026 Verna and when the bus driven by the complainant neared, as the space was too short, the complainant asked the boys to move the car ahead, but they started abusing him. Thereafter, 3-

4 boys entered into the bus for beating and started beating. The ladies sitting in the bus were made to alight under threat and threatened that they would kill the driver and conductor. When they ran to save their lives, the petitioners followed them in the car. Time and again they tried to cross the bus and feeling afraid, they took the bus into the Police Station Chandimandir and after following them into the Police, time and again, they threatened to kill them. Now with the intervention of respectable persons and the parents of the petitioners, who are students, 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 Additional Chief Judicial Magistrate, Panchkula has sent his report dated 9.3.2017 submitting that the compromise arrived at between the parties, except petitioner No.1-Anish Kaul, who did not appear to get recorded his statement, is without any pressure or coercion from any one and the same is genuine one.

The petition qua petitioner No.1-Anish Kaul is dismissed as withdrawn.

Learned Deputy 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

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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 Deputy 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.204 dated 19.8.2016 (Annexure-P.1) registered for the offences under Sections 332, 353, 506 and 34 IPC at Police Station Chandimandir, District Panchkula and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners No.2 to 4 only. The petition qua petitioner No.1-Anish Kaur is dismissed as withdrawn.

March 29, 2017.

(Inderjit Singh)
Judge

hsp

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