

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-40105 of 2016

.....

Date of decision:7.9.2017

Naveen

.....Petitioner

v.

State of Haryana and others

.....Respondent

....

(2) Criminal Misc. No.M-42008 of 2016

.....

Yogesh and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sunil K. Nehra, Advocate for the petitioners.

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

None for the complainant-respondents No.2 to 22.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal miscellaneous petitions filed under Section 482 Cr.P.C. for quashing of FIR No.214 dated 17.9.2014 registered for the offences under Sections 148, 149, 323, 452, 427, 506 and 325 IPC and Section 3 of Prevention of Damage to

Public Property Act and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Sadar Yamuna Nagar, District Yamuna Nagar and all other subsequent proceedings arising therefrom on the basis of compromise/affidavit (Annexure-P.2).

The FIR has been got registered against the petitioners on the statement of complainant-Reena Rani on the allegations that the petitioners along with other 10/15 persons armed with Lathis, Dandas, Talwars, Gandasis came outside the street of their house and broke their neighbour Ram Kishan's car with Talwars, Gandasis and Dandas. After listening the noise, the complainant came outside and saw that said persons were damaging the car. On seeing the complainant, they abused her in the name of caste and scuffled with her and they torn her clothes. The accused-petitioners forcibly entered into their house and houses of other people of locality and broke their articles and gave injuries to men and women of Scheduled Castes category, due to which all the persons from Scheduled Castes category were in the state of panic, because while going back they threatened to kill the father of the complainant. Now with the intervention of respectable persons, both the parties have arrived at an amicable settlement and have effected a compromise.

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, Yamuna Nagar at Jagadhri has sent report dated 7.12.2016 submitting that the compromise

arrived at between the parties is without any pressure or coercion from any one and the same is genuine.

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 petitioners 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, these petitions are allowed and FIR No.214 dated 17.9.2014 registered for the offences under Sections 148, 149, 323, 452, 427, 506 and 325 IPC and Section 3 of Prevention of Damage to Public Property Act and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Sadar Yamuna Nagar, District Yamuna Nagar and all other

subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

September 7, 2017.

(Inderjit Singh)
Judge

hsp

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