

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-41891 of 2017

.....

Date of decision:8.12.2017

Hardeep Singh alias Bhalla and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Ajay Sharma, Advocate for the petitioners.

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

Ms. Jaideep Kaur, Advocate for complainant-respondents No.2
and 3.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.243 dated 4.8.2017 (Annexure-P.1) registered for the offences under Sections 147, 149, 323, 379-A, 452 and 506 IPC at Police Station Pinjore, 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-Rakesh Kumar on the allegations that the accused-petitioners along with ladies and 15-20 people came to their liquor shop and started saying to close the liquor shop. The complainant started talking with the women, in the

meantime, the accused-petitioners assaulted him and his partner and salesman on liquor shop with Lathis, dandas and swords and came into liquor shop and gave beating to them and started demolition of shop. Bhalla snatched his mobile make Oppo from complainant's hand and Gurwinder took ₹15,500/- from his pocket and other persons took ₹35,000/- to ₹40,000/- from the Galla of liquor shop and the accused also pelted stones on the liquor shop and took away bottles of English and Country liquor from the liquor shop. On seeing the Police PCR, they ran away by threatening that if they opened liquor shop then they will set the shop in fire after locking them in it. 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 Sub Divisional Judicial Magistrate, Kalka has sent report dated 22.11.2017 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.243 dated 4.8.2017 (Annexure-P.1) registered for the offences under Sections 147, 149, 323, 379-A, 452 and 506 IPC at Police Station Pinjore, District Panchkula and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

December 8, 2017.

(Inderjit Singh)
Judge

hsp

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