

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-42842 of 2015

.....

Date of decision:21.12.2017

Babli

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Present: Mr. Munfaid Khan, Advocate for the petitioner.

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

Mr. Saleem Mohd., Advocate for the complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.571 dated 8.11.2013 for the offences under Sections 323, 325, 341, 307, 506 and 34 IPC registered at Police Station Sadar Palwal, District Palwal and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2) entered into between the parties.

The FIR in the present case has been got registered by complainant-Ganga Lal on the allegations that the petitioner and Santa Ram alias Santo and Ravinder sons of Sant Lal stopped him. Thereafter, the petitioner gave a spear blow on head of respondent No.2. When he fell down, Sant Ram, Ravinder and present petitioner gave him lathi blows. A lot of persons assembled at the spot and rescued him from the clutches of the accused. Now with the intervention of respectable persons, the matter

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has been amicably settled between the parties and they have resolved their dispute amongst themselves with the help of respectable persons known to both the parties. Respondent No.2 has no objection if the above mentioned FIR is quashed qua the petitioner.

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 District & Sessions Judge, Palwal, has sent his report dated 4.12.2017 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-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 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

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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.571 dated 8.11.2013 for the offences under Sections 323, 325, 341, 307, 506 and 34 IPC registered at Police Station Sadar Palwal, District Palwal and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

December 21, 2017.

(Inderjit Singh)
Judge

hsp

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