

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-44025 of 2016

.....

Date of decision:27.4.2017

Bhupender

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Present: Mr. Gaurav Gupta, Advocate for the petitioner.

Mr. Brijesh Sharma, Assistant 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.539 dated 19.9.2015 for the offences under Sections 148, 307 and 323 read with Section 149 IPC and Section 25 of the Arms Act registered at Police Station Model Town, Rewari, District Rewari and all subsequent proceedings arising therefrom in view of the affidavit (Annexure-P.2) entered into between the parties.

The FIR in the present case has been got registered by complainant-Rambir Yadav on the allegations that the Vicky along with 5-6 boys gave him thrashing and the complainant saved him by running inside the KLP College. Then Vicky alias Vikram alias Dholiya after taking pistol/katta from Tillu had fired upon him with the intention to kill him which had struck on his chest after crossing above his ear. Thereafter, Tillu,

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Pardeep, Rakesh Khati, Pappal and Bhupender alias Bhupi etc. had struck chairs after picking them on his head and on his body and one of these persons had given the knife blow and the complainant had become unconscious. However, inadvertently under a wrong impression the complainant had also given the name of the present petitioner in the FIR. Thereafter respondent No.2 had realized his mistake that he had wrongly given the name of the present petitioner as assailant and accordingly on 8.2.2016 he had given a specific affidavit to the Police that the present petitioner has no role and concern with the thrashing and beating given to the complainant. Now with the intervention of respectable persons, the matter has been amicably settled between the petitioner and the complainant 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 Sessions Judge, Rewari has sent his report dated 11.4.2017 submitting that the compromise arrived at between the petitioner and the complainant is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant 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

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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 Assistant 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.539 dated 19.9.2015 for the offences under Sections 148, 307 and 323 read with Section 149 IPC and Section 25 of the Arms Act registered at Police Station Model Town, Rewari, District Rewari and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner only.

April 27, 2017.

**(Inderjit Singh)**  
**Judge**

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| <b>NOTE:</b> | Whether speaking/reasoned: | Yes |
|              | Whether reportable:        | No  |