

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Date of Decision: 26.10.2018

1. Crl. Misc. M – 38250 of 2018

Sandeep ...Petitioner(s)

Versus

State of Haryana & Ors. ...Respondent(s)

2. Crl. Misc. M – 38511 of 2018

Sandeep ...Petitioner(s)

Versus

State of Haryana & Ors. ...Respondent(s)

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. J.S. Randhawa, Advocate, for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

Mr. Rohit Ahuja, Advocate, for respondent No.3.

JAISHREE THAKUR, J. (Oral)

These petitions have been filed for quashing of order dated 19.09.2017 whereby, the petitioner has been declared as proclaimed offender in FIR No. 597, dated 19.12.2017 registered under Section 174-A of Indian Penal Code at Police Station NIT Faridabad, which FIR has arisen out of FIR No. 255 dated 31.07.2016 registered under Sections 363,366-A, 367, 368, 506 of the Indian Penal Code at Police Station Faridabad NIT, and as well as both the said FIRs.

It is submitted that the petitioner was not able to put in appearance at the time when the proceedings were initiated, however, he is ready to put in appearance before the Illaqa Magistrate. It is also contended that during the pendency of these proceedings, the matter has actually been compromised between the complainant-prosecutrix and the petitioner. It is also submitted

that co-accused have been acquitted on the ground that there is no substantial evidence available to substantiate any of the allegations as raised in the FIR and that the matter has been compromised with the complainant.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate Ist Class, Faridabad, stating 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 and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, a 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.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another,**

(2014) 6 SCC 466, this petition is allowed and order dated 19.09.2017 whereby, the petitioner has been declared as proclaimed offender in FIR No. 597, dated 19.12.2017 registered under Section 174-A of Indian Penal Code at Police Station NIT Faridabad, which FIR has arisen out of FIR No. 255 dated 31.07.2016 registered under Sections 363,366-A, 367, 368, 506 of the Indian Penal Code at Police Station Faridabad NIT, and as well as both the said FIRs and all subsequent proceedings arising out of the same are quashed.

The petitions stand disposed of.

October 26, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No