

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.44803 of 2018
and
Criminal Misc. No.M-38783 of 2018

.....

Date of decision:19.12.2018

Dharambir alias Raju and others

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Chanderhas Yadav, Advocate for the petitioners.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana for
the respondent-State.

Mr. Rakesh Sobti, Advocate for Mr. Harjit Yadav, Advocate for
complainant-respondent No.2.

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Inderjit Singh, J.

Cr. Misc. No.44803 of 2018:

For the reasons mentioned in the criminal miscellaneous
application, this application is allowed and the date of hearing of petition
filed for quashing is preponed for today i.e. 19.12.2018 from 9.1.2019.

Cr. Misc. No.M-38783 of 2018:

This petition has been filed under Section 482 Cr.P.C. praying
for quashing of FIR No.286 dated 5.9.2017 (Annexure-P.1) registered for
the offences under Sections 148, 149, 323, 324, 341 and 506 IPC and
(Section 326 IPC, which was added later on) at Police Station Sadar

Narnaul, District Mahendergarh and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Pradeep on the allegations that the accused-petitioners attacked him and inflicted injuries. 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 Additional Chief Judicial Magistrate, Narnaul, has sent report dated 25.9.2018 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 Assistant 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

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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.286 dated 5.9.2017 (Annexure-P.1) registered for the offences under Sections 148, 149, 323, 324, 341 and 506 IPC and (Section 326 IPC, which was added later on) at Police Station Sadar Narnaul, District Mahendergarh and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

December 19, 2018.

(Inderjit Singh)
Judge

hsp

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