

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

**CRM-M-46355-2017
Date of decision: 10.01.2018**

Chikiya

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R. S. Budhwar, Advocate
for the petitioner.

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

Mr. Vishwajeet Singh, Advocate for
Mr. Vikram Singh, Advocate
for respondents No. 2 and 3.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 526 dated 14.11.2007, under Sections 323, 354, 148, 149 and 506, registered at Police Station Sadar, District Karnal and all subsequent proceedings arising therefrom including judgment and quantum of sentence dated 15/17.04.2013 (Annexure P-2) passed by the JMIC, Karnal and the judgment dated 16.10.2017 (Annexure P-3) passed by the Additional Sessions Judge, Karnal, in view of the compromise dated 08.11.2017 (Annexure P-4) entered into between the parties.

The aforesaid FIR was registered on the statement of respondent No. 2/complainant Bhartu under the said sections. After trial, the

petitioner-accused was convicted by the JMIC, Karnal and sentenced to undergo simple imprisonment for a period of two years, vide Annexure P-2. Aggrieved, the petitioner-accused preferred an appeal before the Additional Sessions Judge, Karnal which was dismissed by order dated 16.10.2017 (Annexure P-3). However, now with the intervention of respectable persons, the dispute has been amicably settled between the parties and they have entered into a compromise.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from JMIC at Karnal, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one.

Learned Deputy Advocate General, Haryana and learned counsel for respondent No. 2 admit to the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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 rival parties and 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 & others vs. State of Punjab & another, (2014) 6 SCC 466*, this petition is allowed and FIR No. 526 dated 14.11.2007, under Sections 323, 354, 148, 149 and 506, registered at Police Station Sadar, District Karnal and all subsequent proceedings arising therefrom including judgment and quantum of sentence dated 15/17.04.2013 (Annexure P-2) passed by the JMIC, Karnal and the judgment dated 16.10.2017 (Annexure P-3) passed by the Additional Sessions Judge, Karnal are quashed qua the petitioner herein.

The petition stands disposed of.

10.01.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No