

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

**CRM-M No.13122 of 2021(O&M)
Date of Decision:22.12.2021**

Nitish Dutt @ Paalu

...Petitioner

Vs

State of Haryana and others

..Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Namit Khurana, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, Addl. AG, Haryana.

Mr. Vikas Gupta, Advocate for
Mr. D.P.S. Soora, Advocate
for respondents No.2 and 3.

JAISHREE THAKUR J. (ORAL)

CRM No.43496 of 2021

Prayer in the application is for preponement of the hearing of the main case, which is now fixed for 25.05.2022.

For the reasons mentioned in the application, the same is allowed and hearing of the main case is preponed and is taken up for hearing today itself.

CRM-M No.13122 of 2021

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.823 dated 26.12.2020 under Sections 323, 506 of the IPC (Sections 34 and 308 IPC deleted later on) registered at Police Station Yamuna Nagar City, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis

of compromise (Annexure P-2).

2. The FIR has been registered on the statement of complainant on the allegations of physical assault at the hands of accused-petitioner. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. 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 Chief Judicial Magistrate, Yamuna Nagar at Jagadhri stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Haryana on instructions from the Investigating Officer and learned counsel for the respondent Nos.2 and 3 admit the factum of compromise. Learned counsel for the respondent-State submits 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.

5. I have heard learned counsel for the parties and have gone through the record.

6. 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.

7. 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 FIR No.823 dated 26.12.2020 under Sections 323, 506 of the IPC (Sections 34 and 308 IPC deleted later on) registered at Police Station Yamuna Nagar City, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioner.

(JAISHREE THAKUR)
JUDGE

December 22, 2021
P.Bhatt

Whether speaking/reasoned Yes/No

Whether reportable Yes/No