

223.

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-51787-2021

Date of Decision: 18.02.2022

(Heard through VC)

NITISH KUMAR

.... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Saransh Sabharwal, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Shashank Vardaan Sharma, Advocate, for
Mr. Pankaj Bains, Advocate, for respondent No.2.

JAISHREE THAKUR.J (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.0146, dated 17.02.2020, registered under Sections 323, 452, 506 of IPC at Police Station Sector 5, Panchkula (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 15.11.2021 (Annexure P-2).

The aforesaid FIR has been registered on the statement of complainant/respondent No.2-Dr. Ajay Garg. 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 the trial Court/Illaqa Magistrate for getting their statements recorded in support of the compromise.

In pursuance of the direction, a report has been received from the learned Judicial Magistrate First Class, Hoshiarpur stating that the compromise is genuine and has been effected between the parties with their free will and volition.

Learned counsel appearing on behalf of respondent-State on instructions from the Investigating Officer and learned counsel for the respondent No.2 admit the factum of compromise. Learned State counsel would 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 FIR No.0146, dated 17.02.2020, registered under Sections 323, 452, 506 of IPC at Police Station Sector 5, Panchkula (Annexure P-1) and all other subsequent proceedings arising therefrom are quashed qua petitioner on the basis of compromise dated 15.11.2021 (Annexure P-2).

(JAISHREE THAKUR)
JUDGE

18.02.2022

sanjeev

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