

**262 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-7747-2023 (O&M)****Date of Decision: 30.11.2023****PREM KHATANA AND OTHERS****...Petitioners****V/S****STATE OF HARYANA AND OTHERS****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Dharamvir Sharma, Advocate
for the petitioners.

Mr. Vinod Bhardwaj, AAG Haryana.

Ms. Jaishree Kaushik, Advocate for
Mr. Arun Rana, Advocate for respondents No. 2 to 4.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 219 dated 16.06.2019 registered under Sections 147, 149, 323, 341, 387, 506 of Indian Penal Code and Section 25 of Arms Act at Police Station Bhondsi, District Gurugram and all subsequent proceedings arising therefrom in view of the affidavits/compromise each dated 03.02.2023 (Annexure P-2).

2. The FIR registered on the statement of complainant- respondent No. 2 that on 16.06.2019 at about 9 PM, when 04 trolleys of gravel (*Rori*) driven by Rakesh, Pramod, Sube Singh and Pawan were going to H.G. Plant for supply, then in the passage before plant, one Car bearing No. CH-01-BQ-6277 Ford Endeavour, Colour Black and another car came and blocked way of the complainant's party. 4-5 persons came out from the aforesaid vehicles and one person from them put pistol on the complainant and

demanded Rs. 1,000/- per vehicle. Then the complainant party in order to save their lives paid Rs. 4,000/- to the said person. The boy disclosed his name as Prem Khatana who is the petitioner No. 1. 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 dated 03.04.2023 has been received from Judicial Magistrate Ist Class, Sohna 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 respondents No. 2 to 4 admitted 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.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. The parties have arrived at a compromise and settled their dispute. 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. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

9. A perusal of the report sent by learned Judicial Magistrate Ist Class, Sohna, indicates that respondent No. 2, who is the complainant in the present FIR has made the statement in terms of the compromise effected between the parties, whereas statements of respondents No. 3 and 4 have not been recorded.

10. Learned counsel for the petitioners submit that the affidavits of respondents No. 3 and 4 are already on record as Annexure P-2.

11. Learned counsel appearing for respondents No. 2 to 4 submits that the statements of the complainant- respondent No. 2 is sufficient for the purpose of quashing of this FIR and respondents No. 3 and 4 have no objection in case the present FIR is quashed on the basis of compromise between the parties.

12. 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*** and ***Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834*** and Full Bench of this Court in ***Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (CrI.) 1052***, this petition is allowed and FIR No. 219 dated 16.06.2019 registered under

Sections 147, 149, 323, 341, 387, 506 of Indian Penal Code and Section 25 of Arms Act at Police Station Bhondsi, District Gurugram and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

30.11.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No