

256 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-10138-2023 (O&M)
Date of Decision: 18.12.2023

RAM NIWAS AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kamal Mor, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Gobind Mor, Advocate for
Mr. Jasbir Mor, Advocate for respondent No. 2.

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. 161 dated 17.04.2015, registered under Sections 147, 323, 341, 506 and 149 of Indian Penal Code and Section 3(1)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 at Police Station Narnaund, District Hisar and all subsequent proceedings arising therefrom in view of the compromise dated 02.02.2023 (Annexure P-6).

2. The FIR has been registered on the statement of complainant-Sunil Kumar-respondent No. 2 on the allegations that complainant's mother Kamlesh was getting the street constructed in village Khedi Lahchab. On 16.04.2015, when the mother of the complainant sent the complainant to look after the construction work going on in the said street, the petitioners who were standing there, told the complainant that he was not making the

street correctly. When the complainant asked them to sit and talk on the issue, then Bheera @ Ranbir-petitioner No. 5 uttered bad words and after after saying those words, he started to uproot bricks of the street. Petitioner No. 1 caught hold of complainant's hand and slapped him on his face. Other petitioners also inflicted injuries upon the complainant. The petitioners have already been convicted under Sections 147, 323, 341 and 506 read with Section 149 of Indian Penal Code and sentenced to undergo substantive sentence of six months with default mechanism by the Court of Learned Additional Sessions Judge, Hisar vide judgment dated 07.01.2020 and order of sentence dated 09.01.2020. 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. Learned counsel for the petitioners has relied upon the judgment of of Hon'ble Supreme Court passed in **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834**, to contend that the judgment of conviction and order of sentence passed by the trial Court can be quashed on the basis of compromise.

4. 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 Additional District & Sessions Judge, Hisar stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

5. Learned Assistant Advocate General, Haryana on instructions from the Investigating Officer and learned counsel appearing for respondent

No. 2 admitted the factum of compromise and submitted 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.

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

7. 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.....”

8. 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. 161 dated 17.04.2015, registered under Sections 147, 323, 341, 506 and 149 of Indian Penal Code and Section 3(1)

(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 at Police Station Narnaund, District Hisar along with the impugned judgment dated 07.01.2020 and order of sentence dated 09.01.2020 passed by the Court of learned Additional Sessions Judge, Hisar and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

18.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No