

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-36771-2023

Date of Decision: 11.12.2023

VIKRAM AND ORS

...Petitioners

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karan Inder Singh, Advocate for
Mr. Ajay Singh Ghangas, Advocate for the petitioners.

Mr. Vinod Bhardwaj, AAG Haryana.

Mr. A.P.S. Nain, Advocate for respondents No. 2 and 3.

HARPREET SINGH BRAR J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 768 dated 15.08.2018 registered under Sections 148, 149, 323, 325 and 506 of Indian Penal Code (Section 307 of IPC added later on) at Police Station Model Town Panipat, District Panipat and all subsequent proceedings arising therefrom in view of the compromise deed (Annexure P-2).

2. The FIR registered on the statement of complainant-Mahipal/respondent No. 2 on the allegations that on 12.08.2018 at about 9.00 PM, when the complainant was going on his motor cycle towards Ujah road, 20/25 persons were present there, who were giving beatings to one person. When the complainant asked about the reason for beatings the said person, then one boy who was named Naddi @ Amar, armed with wooden Binda, said that first he (complainant) should be taught a lesson and gave injuries to him on the left eye on litter upper side. Other boy gave binda blow on left side of his forehead and $\frac{3}{4}$ other boys gave danda bow on right

hand and back. 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, submits that the provisions of Section 307 of Indian Penal Code cannot be invoked. As per the testimony of PW-9 Dr. Arvind Kumar, Medical Officer, no definite opinion has been given qua injury being grievous, and the opinion with regard to the injury being dangerous to life is not based upon the exact assessment of the nature and extent of injuries. As such this Court finds force in the argument raised by learned counsel for the petitioner. Provisions of Section 307 of IPC are not attracted in the facts and circumstances of the present case. In this regard reliance is placed on the judgment passed by the Hon'ble Supreme Court of India in case of *The State of Madhya Pradesh vs. Laxmi Narayan and others, 2019 (5) SCC 688*.

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 dated 29.08.2023 has been received from Additional District and Sessions Judge (Fast Track Court), Panipat, stating that the compromise arrived at between the parties is without any pressure or coercion and the same is genuine one.

5. Learned Assistant Advocate General, Haryana on instructions from the Investigating Officer and learned counsel for respondents No. 2 have admitted the factum of compromise and learned State counsel 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.

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. A perusal of the report sent by learned Additional District and Sessions Judge, (Fast Track Court), Panipat 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 statement of respondent No.3 has not been recorded.

9. Learned counsel appearing for respondents No. 2 and 3 submits that the statements of respondents No. 2 is sufficient for the purpose of quashing of this FIR and respondent No.3 has no objection in case the present FIR is quashed on the basis of compromise effected between the parties.

10. 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***,

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(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 (Crl.) 1052*, this petition is allowed and FIR No.768 dated 15.08.2018 registered under Sections 148, 149, 323, 325 and 506 of Indian Penal Code (Section 307 of IPC added later on) at Police Station Model Town Panipat, District Panipat and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

11.12.2023
manisha

(HARPREET SINGH BRAR)
JUDGE

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