

CRM-M-39376-2023
Date of decision: 08.11.2023

....Petitioner

...Respondents

Mr. Saurabh Chobey, Advocate
for respondents No.2 to 4.

The FIR has been registered on the statement of complainant-Ashok Kumar on the allegations that the accused/petitioner along with other accused persons attacked the complainant/respondent No.2 and respondents No.3 & 4. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

The complainant/respondent No.2 and respondents No.3 & 4 have made a statement before the concerned jurisdictional Court in compliance of the direction passed by this Court for recording of statement of the parties and they have made a positive statement with regard to effecting compromise *qua* petitioners.

Learned counsel for the petitioner relies upon the judgment of this Court passed in '*Parambir Singh Gill Vs. Malkiat Kaur*' 2010 (1) R.C.R. (Criminal) 256 and '*Jayrajsingh Digvijaysingh Rana Vs. State of Gujarat and another*' 2012 (4) R.C.R. (Criminal) 589 to contend that the partial compromise with some of the accused is permissible.

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 Judicial Magistrate 1st Class, Karnal, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned State counsel on instructions from the Investigating Officer and learned counsel for respondents No.2 to 4 admit 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.

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

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. 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.....”

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 (Crl.) 1052**, this petition is allowed and FIR No.0425 dated 29.08.2020 under Sections 148, 149, 323, 324 and 452 of Indian Penal Code (Section 325 of IPC added later on) registered at Police Station Gharuanda (Annexure P-1) and all subsequent proceedings arising out of the same are quashed *qua* petitioner alone and proceedings would continue against the other accused in accordance with law. Nothing stated herein shall, however, be constructed as an expression of opinion on the merits of the case and the

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learned trial Court shall proceed the case on the basis of the evidence and material as adduced before it.

(HARPREET SINGH BRAR)
JUDGE

08.11.2023
Neha

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