

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

264

CRM-M-48148-2023

Date of Decision: December 20, 2023

Ajit and others

.....Petitioner(s)

Vs.

State of Haryana and others

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Kaushal Chahal, Advocate for  
Mr. V.P. Sangwan, Advocate for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana

Ms. Anu Garg, Advocate for respondents No.2 and 3.

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**HARPREET SINGH BRAR J. (ORAL)**

1. This third petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of F1R No.0315 dated 10.12.2020 (Annexure P-1) under Sections 147, 148, 149, 323, 341, 427, 506 IPC of 1860 (section 307 IPC added later on the complaint dated 05.01.2021), registered at Police Station Badhra, District Charkhi Dadri and all consequential proceedings arising therefrom, on account of compromise dated 07.03.2023 (Annexure P-2).

2. Additional Status report by way of affidavit of Desh Raj, HPS, DSP, Badhra Distt. Charkhi Dadri, has been filed in the Court today and the same is taken on record.

3. The FIR has been registered on the statement of complainant-Dishant/respondent No.2 on the allegations that on 09.12.2020, after attending the marriage, he alongwith Akshay were going on car from village

Kubja Nagar to Hisar. When they reached near Kari Mod Adda Village, then 10-12 boys were standing on the road side and tried to stop their car. When they did not stop their car, the boys chased them. When they reached near bus stand Kari Dass Rupa at around 11:20-11:45 p.m., road was blocked with barricades and their car got stopped. 15-20 boys came out of the chasing cars carrying *dandas*, stones and bricks in their hands and started assaulting the complainant and said Akshay. Their car was badly damaged and they also sustained injuries. Then they fled away from the spot. On the basis of this, the present FIR has been registered. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

4. Learned counsel for the petitioners *inter alia* contends that the perusal of the record would indicate that no offence under Section 307 of Indian Penal Code is made out. The police has wrongly added Section 307 IPC by interpreting the legal opinion on the basis of the complaint dated 05.01.2021. 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.***

5. Learned counsel for the petitioners relies upon the judgment of this Court in ***Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256 and Jayaraj Singh Digvijay Singh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589,*** to contend that the partial compromise with some of the accused is permissible.

6. 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 First Class, Charkhi Dadri, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

7. Learned State counsel on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 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.

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

9. 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.....”*

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,**

(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 F1R No.0315 dated 10.12.2020 (Annexure P-1) under Sections 147, 148, 149, 323, 341, 427, 506 IPC of 1860 (section 307 IPC added later on the complaint dated 05.01.2021), registered at Police District Badhra, District Charkhi Dadri and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

**(HARPREET SINGH BRAR)**  
**JUDGE**

December 20, 2023  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | No     |