

274 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46473-2023
Date of decision: 19.12.2023

SURAJ AND ORS

...PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Harlove Singh Rajput, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Jashandeep Singh Bains, Advocate for
Mr. Divyanshu Nagpal, Advocate for respondent No.2 to 4.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.377 dated 05.05.2017 registered under Sections 148, 149, 323, 324, 307, 506 of Indian Penal Code and Section 3 SC/ST (Prevention of Atrocities Act) Act, 1989 at Police Station City Ballabhgarh, District Faridabad and all subsequent proceedings arising therefrom in view of the compromise dated 17.02.2023 (Annexure P-3).

2. The FIR registered on the statement of complainant-respondent No. 2 on the allegations that on 04.05.2017, petitioners hit motor cycle from behind at the complainant, his brother and his friend and gave them beatings and threatened to kill all of them. 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 *inter alia* contends that the

perusal of the record would indicate that no offence under Section 307 of Indian Penal Code is made out as none of the injury is on the vital part of the body and only one injury with the sharp edged weapon has been found on the person of the injured victim. 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 has been received from learned Additional District and Sessions Judge, Faridabad, stating that the compromise arrived at between the parties is without any pressure or coercion and the same is genuine one.

5. Learned State counsel on instructions from the Investigating Officer and learned counsel for respondent Nos.2 to 4 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. 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.377 dated 05.05.2017 registered under Sections 148, 149, 323, 324, 307, 506 of Indian Penal Code and Section 3 SC/ST (Prevention of Atrocities Act) Act, 1989 at Police Station City Ballabgarh, District Faridabad and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

December 19, 2023
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |