

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-50913-2023 (O&M)

Date of Decision: 18.12.2023

ASHUTOSH AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Atul Yadav, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Naveen Duggal, 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. 572 dated 19.09.2023, registered under Sections 147, 149, 323, 341, 427 and 506 of Indian Penal Code at Police Station Sector 10 Gurugram District Gurugram and all subsequent proceedings arising therefrom in view of the compromise dated 27.09.2023 (Annexure P-2).

2. The FIR has been registered on the statement of complainant-Amit Kumar-respondent No. 2 on the allegations that the complainant is studying in Government ITI Sector 14 Gurugram and on 18.09.2023 in the evening at around 6.00 O' clock, when he was returning home from ITI in a private bus bearing registration No. HR-55-AB-1965, the complainant sat on the roof of the bus as there was heavy rush in the bus. When the complainant reached near RR College Wazirpur near HP Petrol Pump, then one Scorpio Car without number plate and five bike borne persons

climbed on the roof of the bus and asked the complainant to come down or they will throw him from the roof of the bus. Then the assailants started beating the complainant without any reason and hit him with an iron rod and also broken his phone. While leaving all the assailants threatened the complainant that they will kill him, if they saw the complainant again. 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. 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 Ist Class, Gurugram stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Haryana on instructions from the Investigating Officer along with learned counsel for respondent No. 2 admitted 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.

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

6. 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.....”

7. Consequently, keeping in view the fact that the dispute has been amicably settled between the parties 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. 572 dated 19.09.2023, registered under Sections 147, 149, 323, 341, 427 and 506 of Indian Penal Code at Police Station Sector 10 Gurugram District Gurugram 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
Whether reportable

Yes/No
Yes/No