



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

326. CRM-M-16481-2024
Date of decision: 30.09.2024

Manish Steel through its proprietor Akash Gupta ... Petitioner

Versus

State of Haryana and another Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Lalit Kumar Narang, Advocate, for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana, for respondent No.1.
Mr. Kushager Goyal, Advocate for
Mr. Amit Khari, Advocate, for respondent No.2.

GURBIR SINGH, J.

1. Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0103, dated 14.03.2024, under Sections 287, 338 of IPC, 1860 registered at Police Station Kalanaur, District Rohtak (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 27.03.2024 (Annexure P-2).
2. The aforesaid FIR was registered on the complaint of Sunil Kumar, respondent No.2 herein, against the proprietor of Manish Steel, namely, Akash Gupta, petitioner herein, with the allegation that the complainant is Maintenance Machine Mechanic by profession and about two months back, he was serving in Manish Steel Service. On 12.02.2024 at about



05:00 P.M. when the complainant was repairing Draw Bench Machine, said machine suddenly started running and as a result of which, his right hand thumb amputated. The complainant stated that there was someone present there who turned on the said machine in clandestine manner, but he neither knew the person's name nor witnessed anyone pushing the button. The Factory Supervisor took the complainant to PGIMS, Rohtak for treatment. The accident was attributed to the negligence of an unknown person. During the investigation, the petitioner was made an accused by the Investigating Agency.

3. Thereafter, the matter was compromised between the parties i.e. petitioner and respondent No.2, on 27.03.2024 vide Annexure P-2. The present petition was filed seeking the quashing of the FIR based on compromise. Vide order dated 05.04.2024, the parties were directed to appear before the learned trial Court/Duty Magistrate on 15.04.2024 to record their statement with regard to compromise, and the matter was adjourned to 22.05.2024. However, on the given date, no one appeared and vide order dated 22.05.2024, parties were given one more opportunity to record their statements in terms of order dated 05.04.2024.

4. Reply by way of affidavit dated 21.05.2024 of Shri Rajeev, HPS, Deputy Superintendent of Police, Kalanaur, District Rohtak, on behalf of respondent-State, has already been filed, wherein it has been stated that during investigation, it was revealed that the person who negligently switched on the machine was Ram Gahan Dusadh son of Ram Singh Dusadh. He has been arrested, and his disclosure statement has also been recorded. The petitioner is not an accused in the present case.



5. Pursuant to orders dated 05.04.2024/22.05.2024, report dated 02.07.2024 from learned Civil Judge (Junior Division)-cum-Judicial Magistrate First Class, Rohtak, through the District & Sessions Judge, Rohtak, to the effect that the compromise is genuine and was effected voluntarily between the parties, without any coercion or undue influence. It was submitted that there is only one accused in the present FIR and that is Ram Gahan Dushad. In addition to the petitioner, the complainant has also settled the matter with Ram Gahan Dushad and has recorded his statement before the learned Magistrate on 31.05.2024. However, said Ram Gahan Dushad is not a party to the present petition. It is further submitted that in the present petition, Akash Gupta is not an accused in the present case.

6. Learned counsel appearing on behalf of respondent No.2-complainant has not disputed the factum of compromise.

7. 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.

8. In view of the above, no useful purpose would be served by continuing with the proceedings before the trial Court in the instant F.I.R.

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.



10. Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and FIR No.0103, dated 14.03.2024, under Sections 287, 338 of IPC, 1860 registered at Police Station Kalanaur, District Rohtak (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 27.03.2024 (Annexure P-2).

30.09.2024
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No