

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-17972-2023 (O&M)
Date of Decision: 04.01.2024

ASHISH YADAV AND OTHERS
V/S
...Petitioners

STATE OF HARYANA AND OTHERS
...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.K. Tripathi, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Prabhat Yadav, Advocate for
Mr. Rohit Rattawal, Advocate
for respondents No. 2 to 5.

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. 0147 dated 29.04.2020 registered under Sections 147/148/188/323/452/506 of Indian Penal Code at Police Station Bilaspur, District Gurugram and all subsequent proceedings arising therefrom in view of the compromise dated 29.03.2023.
2. The FIR has been registered on the statement of complainant-Mool Chand-respondent No. 2 on the allegations that on 28.04.2020, Anita-petitioner No. 6 started beating the complainant suddenly, due to which he went inside his room. Then the other petitioners also came there and dragged the complainant from his house and gave beatings to him from sticks. The petitioners also gave beatings to complainant's wife-respondent No. 5 and threatened them for facing dire consequences. 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, Pataudi 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 and learned counsel for respondents No. 2 to 5 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 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. 0147 dated 29.04.2020 registered under Sections 147/148/188/323/452/506 of Indian Penal Code at Police Station Bilaspur, District Gurugram and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

04.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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