

2024:PHHC:130423



**116+259 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-18079-2024 (O&M)

Date of Decision: 01.10.2024

Maninder Singh @ Mangu and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Rakesh Bakshi, Advocate and
Ms. Gayatri Bakshi, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Amandeep Singh, Advocate for respondent Nos.2 to 10.

GURBIR SINGH, J. (ORAL)

CRM-39678-2024

This application is filed under Section 482 Cr.PC for impleading the legal representatives of Balwinder Singh @ Balbinder Singh (injured) since deceased as respondent Nos.7 to 10. Copy of death certificate is taken on record.

In view of the averments made in the application and Balwinder Singh (injured) has died, application is allowed and legal representatives of the deceased injured are ordered to be impleaded through him, subject to just exceptions, if any.

Amended Memo of parties is taken on record.

Registry is directed to tag the same at the appropriate place.

CRM stands disposed of.

CRM-39677-2024

For the reasons recorded in the application, same is allowed and

the documents i.e. additional compromise and affidavits of respondent Nos.6 to 9 (LRs of deceased Balwinder Singh @ Balbinder Singh) annexed with the application as (Annexure P-8 to 12) are taken on record subject to all just exceptions. Office to tag the same at an appropriate place.

CRM stands disposed of.

Main case

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.284 dated 19.08.2016 under Sections 148/149/323/506 of IPC, 1860 registered at Police Station Ambala City, District Ambala (Annexure P-1) and all subsequent proceedings on the basis of compromise (Annexure P-2 and P-8).
2. This Court, vide order dated 15.04.2024 had directed the parties to appear before the trial Court/Duty Magistrate to get their statements recorded and the learned Magistrate was directed to send the report qua the genuineness of the compromise.
3. In compliance thereof, report dated 17.08.2024 from learned Chief Judicial Magistrate, Ambala has been received through the District & Sessions Judge, Ambala with statements of the parties, in which, it has been mentioned that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.
4. In compliance of the previous order dated 04.09.2024, LR of deceased Balwinder Singh have been brought on record and their affidavits regarding the compromise have also been placed on record as (Annexure P-9 to P-12) that matter stands compromised.
5. Learned counsel appearing on behalf of respondent Nos.2 to 10 complainants has not disputed the factum of compromise.

6. 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.
7. I have heard learned counsel for the parties and have gone through the record.
8. 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.
9. 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.284 dated 19.08.2016 under Sections 148/149/323/506 of IPC, 1860 registered at Police Station Ambala City, District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2 and P-8).

01.10.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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