

2024.PHHC.120391



276.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31974-2024

Date of decision: 12.09.2024

Shashi Bhushan and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: None for the petitioners.

Mr. Gurmeet Singh, AAG, Haryana, for respondent No.1.

Ms. Kamlesh, Advocate, for
Mr. Parminder Singh, Advocate, for respondent No.2.

GURBIR SINGH, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0390, dated 19.06.2024, under Sections 323, 435, 34 of IPC, registered at Police Station Indri, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 24.06.2024 (Annexure P-2).
2. This Court, vide order dated 08.07.2024, 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 19.07.2024 from learned Illaqa Magistrate/Sub-Divisional Judicial Magistrate, Indri (Karnal), has been received through the District & Sessions Judge, Karnal, 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. Learned counsel appearing on behalf of respondent No.2-complainant has not disputed the factum of compromise.

5. 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.

6. I have heard learned counsel for the parties and have gone through the record.

7. 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.

8. 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.0390, dated 19.06.2024, under Sections 323, 435, 34 of IPC, registered at Police Station Indri, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 24.06.2024 (Annexure P-2).

(GURBIR SINGH)
JUDGE

September 12, 2024

sanjeev

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No