

CRM-M-54775-2023
Date of decision: 23.01.2024

...PETITIONERS

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mandeep Singh Kundu, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Ishan Singh, Advocate for
Mr. Aakash Dalal, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.145 dated 07.04.2023 registered under Sections 147, 149, 323, 506 Indian Penal Code at Police Station Khedki Daula, District Gurgram (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 11.10.2023 (Annexure P-2).

2. The FIR has been registered on the statement of complainant on the allegations that when he was going towards his residence, he got stuck in the traffic because of the petitioners and when he gave horn to remove them, they abused and gave beatings to the complainant. 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 Chief Judicial Magistrate, 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 State counsel has filed status report dated 19.01.2024, by way of affidavit of Surender Sheoran, HPS Assistant Commissioner of Police, Manesar, Gurugram on behalf of respondent No.1-State has been filed and the same is taken on record. Learned State counsel on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit 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. 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. 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.145 dated 07.04.2023 registered under Sections 147, 149, 323, 506 Indian Penal Code at Police Station Khedki Daula, District Gurgram (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioners.

January 23, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |