

**232 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No. M-26791 of 2013
Date of Decision: 06.01.2015

Sushil and Others

..... Petitioners

Versus

State of Haryana and Another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Mr. K.S. Malik-I, Advocate
for the petitioners.

Mr. Rajesh K. Sheoran, Addl. A.G., Haryana.

Ms. Anupam Bhanot, Advocate
for the complainant.

K.C. PURI, J. (ORAL)

This is a petition under Section 482 of the Code of Criminal Procedure for quashing FIR No. 65 dated 08.03.2012 under Sections 324, 307, 506 and 34 of the Indian Penal Code, registered at Police Station Shivani Colony, District Rohtak, on the basis of compromise, along with all subsequent proceedings arising from that FIR.

Report from the trial Court has been received in which it is mentioned that parties have arrived at a compromise.

On the last date of hearing, status of the case was called from the trial Court and the trial Court has stated that injured-Dharambeer, Hukam Chand and Sube Singh have been examined as PW-5 to PW-7 respectively, but they have not supported the version of prosecution and have turned hostile. Only complainant-injured Sanjay is yet to be examined. So, no eye-witness has supported the case of the prosecutrix.

As per report of the trial Court, the matter has been compromised.

Learned counsel for the complainant has also stated at the bar that the matter has been compromised.

The Hon'ble Apex Court in authority reported as **Balram and Others Versus U.T. Chandigarh, 2011 (3), R.C.R. (Criminal) 390** and **Yogendra Yadav and Others Versus State of Jharkhand and Another, 2014 (3) R.C.R. (Criminal) 869**, allowed the compounding of offence under Section 307 of IPC.

Also, the Hon'ble Apex Court in authority reported as **Narinder Singh and Others Versus State of Punjab and Another, 2014 (2), R.C.R. (Criminal) 482**, has observed that at initial stage, the offence under Section 307 can be allowed to be compounded.

In the present case, all three witnesses have not supported the case of the prosecution and only complainant remains to be examined. The complainant has already made the statement that he has compromised the matter. So, he is not likely to support the case of the prosecution.

So, the continuation of criminal proceedings under those circumstances would be an exercise in futility, as the complainant is not likely to support the case of the prosecution.

So, in view of ***Balram's case (supra)***, ***Yogendra Yadav's case (supra)*** and ***Narinder Singh's case (supra)***, the above said FIR stands quashed. Further proceedings in pursuant to that FIR also stands quashed.

Disposed of.

January 06, 2015

dk kamra

**(K.C. PURI)
JUDGE**