

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

**Criminal Misc. No. M-20117 of 2016
Date of Decision:-06.12.2016**

Sandeep

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Kamal Mor, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Saurabh Dalal, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.68 dated 27.3.2016, under Sections 323, 452, 506, 34 IPC, registered at Police Station Barauda, District Sonipat (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 28.5.2016 (Annexure P-2).

Vide order dated 03.6.2016, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 3.6.2016, the parties have appeared before the learned Magistrate on 21.7.2016 for getting their statements recorded.

The report dated 18.10.2016 received from the learned Sub Divisional Judicial Magistrate, Gohana, reveals that the compromise has been effected between the parties without any undue pressure.

The complainant Pooja made her statement before the SDJM, Gohana, on 21.7.2016 to the effect that the matter has been compromised without any pressure and she do not want to proceed further.

Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected between the parties.

Learned State counsel also does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh**

vs. State of Punjab and others, (2012)10 SCC 303, this petition is allowed and FIR No.68 dated 27.3.2016, under Sections 323, 452, 506, 34 IPC, registered at Police Station Barauda, District Sonipat and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

December 06, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No