

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

Criminal Misc. No. M-25676 of 2016

Date of Decision:-22.11.2016

Manoj and others

...Petitioners

Versus

State of Haryana and another

...Respondents

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

Present:- Mr. Shalender Mohan, Advocate
for the petitioners.

Mr. Manish Bansal, Deputy A.G., Haryana.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.430 dated 22.11.2015, under Sections 323, 34, 435, 452, 506 IPC and Section 3 of the SC & ST (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar, Hansi, District Hisar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 29.7.2016, 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 29.7.2016, the parties have

appeared before the learned Magistrate on 5.9.2016 for getting their statements recorded.

The report dated 5.9.2016 received from the learned Additional District & Sessions Judge, Hisar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Ram Dhari before the Additional Sessions Judge, Hisar, on 5.9.2016 reads as under :-

“Stated that a panchayat was held at Village Muzadpur in the presence of respectables of village Muzadpur. I have compromised the matter in the panchayat with the accused as both the parties have forget their grievances and compromise was got done. The compromise was held without any transaction. As per compromise, I will not take any legal action against the accused in future regarding this incident and I do not want to proceed further with the present case against the accused. The compromise is good for the welfare of our village. Today I myself came present in the Court without any fear, pressure. I am deposing voluntarily without coercion and undue influence.”

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.430 dated 22.11.2015, under Sections 323, 34, 435, 452, 506 IPC and Section 3 of the SC & ST (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar, Hansi, District Hisar and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

November 22, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No