

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 32779 of 2016

Date of decision: 19.9.2016

Om @ Om Parkash and ors

Petitioners

vs.

State of Haryana and others

Respondent

Present: Mr.Namit Khurana, Advocate.

M.M.S.BEDI,J.

This is a petition for quashing of the FIR, u/s 482 Cr.P.C., on the basis of compromise dated 20.8.2016. The three petitioners, who have approached this court were not challaned. They have been summoned as additional accused u/s 319 Cr.P.C. along with Joginder and others. Respondent No.2 Dharmender is complainant, whereas respondents 3 to 5 are the injured witnesses.

I have considered the facts and circumstances of the case and I am of the opinion that partial quashing of the FIR, in the present case, is not appropriate. Besides this, the petitioners have not challenged the order summoning them as additional accused in exercise of powers u/s 319 Cr.P.C. They have also not challenged the order framing charges against them.

The petition is disposed of as not maintainable. However, it will be open to the petitioners to seek the quashing of the proceedings qua them on the basis of compromise, which have been initiated pursuant to the summoning order u/s 319 Cr.P.C. which has not been challenged. The rights of the petitioners will not be prejudiced to challenge the summoning

order and further proceedings on the basis of compromise or on merits adopting the principal of Sublato fundamento cadi opus.

Counsel for private respondents Mr. Sanchit Punia, Advocate has put in appearance. It will be open to the said respondents to make any deposition on oath, benefit of which can be derived by the petitioners, in case the need arises.

September 19 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No