

**Sr. No. 212
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-41056 of 2015 (O&M)

Date of Decision: 10.03.2016

Sat Pal Yadav

...Petitioner

Versus

State of Haryana and another

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Gurinder Pal Singh, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.466 dated 08.11.2015, under Sections 148/149/307 of Indian Penal Code and Section 25/54/59 of Arms Act, registered at Police Station Pataudi, District Gurgaon.

Since quashing was sought on the basis of compromise, this Court on 12.01.2016 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements. Report with regard to the veracity of the compromise was called for.

Placed on record is a report dated 04.02.2016 of the Sub Divisional Judicial Magistrate, Pataudi. Perusal of the same would reveal that statements of the parties have been duly recorded and it has been opined that the compromise has been effected without any pressure or coercion.

It may be observed that even though offence under

Section 307 IPC had been cited yet the alleged occurrence is stated to be of 07.11.2015 and the compromise has been arrived at, at the very initial stage i.e. on 13.11.2015.

This Court finds considerable merit in the contention raised by counsel appearing for the petitioner that under such circumstances cognizance can be taken of the compromise even with regard to an offence under Section 307 IPC in the light of the parameters/guidelines laid down by the Hon'ble Supreme Court of India in ***Narinder Singh and others Vs. State of Punjab and another 2014 (2) R.C.R. (Criminal) 482.***

In the light of the compromise having been arrived at, permitting criminal prosecution to continue on account of impugned FIR would be construed as an abuse of the process of law.

Consequently, the present petition is allowed. Impugned FIR No.466 dated 08.11.2015 under Sections 148/149/307 IPC and Section 25/54/59 of Arms Act, registered at Police Station Pataudi, District Gurgaon and all proceedings emanating therefrom are set aside.

Petition allowed.

10.03.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**