

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

CRM No.M-11795 of 2016 (O&M)

Date of Decision: October 24, 2017

Rajeev Kumar

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.U.K.Agnihotri, Advocate
for the petitioner.

Mr.Brijesh Sharma, Asstt. Advocate General, Haryana
for the respondent-State.

Mr.Shakti Kaushik, Advocate
for respondent No.2.

None for respondents No.3 and 4.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Haryana and other respondents for quashing of FIR No.522 dated 01.09.2015 under Sections 389, 506, 120-B IPC and subsequently added Sections 384, 419, 420, 467, 468 and 471 IPC with all consequential proceedings arising therefrom being misuse of process of law despite matter being compromised.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

Earlier, learned counsel for respondents No.3 and 4 was appearing but

today, none appeared on behalf of respondents No.3 and 4.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that in the present case, challan has already been presented, charges have already been framed and even one witness is stated to have been examined, which means that trial Court has already taken the cognizance and finding prima facie case from the report under Section 173 Cr.P.C., charges have been framed.

Learned counsel for the petitioner relied upon one compromise Annexure P-9. The perusal of the compromise nowhere shows as to what benefits complainant party has availed under the compromise. Even at the time of arguments, learned counsel for the petitioner failed to show as to what benefits have been availed by other party under the compromise. Learned counsel for respondent No.2 contested this compromise.

The fact regarding compromise is finding of fact which is to be given on the basis of the evidence as to whether this compromise has taken place voluntarily or not or whether there is compliance of the compromise or not. As the complainant-respondent has not availed any benefit under the compromise, therefore, in no way, it can be held that complainant after availing benefits under the compromise, has not resiled from the same. On this ground, the FIR cannot be quashed.

In view of the above discussion, I find that learned trial Court, after finding prima facie case, has framed the charges and taken the cognizance and no revision has been filed against the charges by the present petitioner. On the basis of the compromise, in which the complainant party

be held that registration of the FIR is abuse of process of law or amounts to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

October 24, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No