

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

CRM-M-11993-2017 (O&M)

Date of Decision: 20.07.2017

Subham and others

... Petitioners

Versus

State of Haryana and another

... Respondents

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

Present: Mr. Kartar Singh Malik-I, Advocate
for the petitioners.

Mr. Manish Bansal, DAG Haryana.

None 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. 115, dated 21.03.2017 under Sections 120B, 323, 341, 506 IPC registered at Police Station Civil Lines, District Rohtak (Annexure P-1) alongwith all consequential proceedings arising therefrom on the basis of compromise dated 22.03.2017 (Annexure P- 2).

Vide order dated 07.04.2017, this Court had directed the parties to appear before the Illaqa Magistrate 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 to the aforesaid order, the parties have appeared before the learned Additional Chief Judicial Magistrate,

Rohtak on 21.04.2017 and got their statements recorded. The report dated 29.04.2017 received from the learned Magistrate reveals that the compromise entered between the parties is genuine.

Though today none has put in appearance on behalf of the respondent No.2-complainant but no prejudice would be caused to him as he has already suffered his statement qua the compromise before the learned Magistrate on 21.04.2017 to the effect that he has compromised the matter with the accused without any threat or pressure and now there is no enmity between them and he don't want to pursue the matter further.

Learned State counsel 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 the 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. 115, dated 21.03.2017 under

Sections 120B, 323, 341, 506 IPC registered at Police Station Civil Lines, District Rohtak (Annexure P-1) alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 22.03.2017 (Annexure P- 2).

(HARI PAL VERMA)
JUDGE

20.07.2017

kv

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>