

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

**CRM-M No.30551 of 2016
Date of Decision: 23.03.2017**

Rachit Chopra and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Karan Nehra, Advocate with
Mr. Varun Baanth, Advocate
for the petitioners.

Mr. Ashish Yadav, Addl. A.G., Haryana
for respondent No.1-State.

Mr. Amit Gupta, Advocate for
Mr. Vinay Vohra, Advocate
for respondents No.2 and 3.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 482 Cr.P.C.,
quashing of FIR No.0315 dated 03.06.2016, registered under Sections
279 and 338 IPC, at Police Station Sohna, District Gurgaon, is sought for,
on the basis of compromise (Annexure P-2).

As per the FIR, the complainant's son-Shahbaz Ali/injured,
while installing Reliance 4G Tower in village Damdama, fell down and as
no security measures i.e. Net or Safety Belt were provided by his
employers, he suffered injuries. For having not taken precautionary
measures for workers like the complainant's son, FIR under Sections 279
and 338 of IPC was got registered against petitioner No.1, who is the
employer of the complainant's son and petitioner No.2, who was serving
as the supervisor/manager with the employer of the complainant's son.

On August 31, 2016, while issuing notice of motion, this Court had directed the parties to appear before the trial Court on 06.10.2016 for recording of their respective statements with regard to the compromise/settlement arrived at between the petitioners and the complainant/injured. The trial Court was also directed to submit a report with regard to the number of persons arrayed as accused in the FIR; whether any of them was declared as a proclaimed offender and whether the compromise was genuine.

As directed, the petitioners, complainant and the injured appeared before the trial Court and suffered statements supporting the compromise. A report dated 21.12.2016 from the Sub-Divisional Judicial Magistrate, Sohna has been received wherein it has specifically mentioned that the compromise entered into between the contesting parties was genuine. It has further been reported that there were only two accused in the FIR namely the petitioners and they have never been declared as proclaimed persons.

It is not disputed by the parties that the trial in pursuance to the impugned FIR is at the initial stage as till date none of the cited prosecution witnesses have been examined.

In view of the fact that the FIR pertains to a private dispute; does not relate to a heinous crime; is at the initial stage of the trial and in which in view of the compromise, the probability of convicting the petitioners is minimal, in my opinion, continuation of proceedings in pursuance to the impugned FIR, would be an abuse of the process of law and in view of the law declared by a Five Judge Bench of this Court in

Kulwinder Singh and others Vs. State of Haryana and others, 2007 (3)

RCR (Criminal), 1052, the impugned FIR No.0315 dated 03.06.2016, registered under Sections 279 and 338 IPC, at Police Station Sohna, District Gurgaon and all subsequent proceedings arising therefrom, qua the petitioners, are ordered to be quashed.

The petition stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

March 23, 2017

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No