

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.263

CRM-M No.7168 of 2017

Date of decision: 09.05.2017

Mahesh Kumar and others

....Petitioners

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Shiv Kumar, Advocate, for the petitioners.

Mr. Surender Singh, AAG, Haryana.

Mr. Krishan Kumar Thakur, Advocate, for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 482 Cr.P.C., quashing of FIR No.263 dated 24.05.2010, registered under Sections 148, 149, 323, 325, 506 IPC, at Police Station Ambala Cantt., District Ambala, is sought for on the basis of compromise (Annexure P-2).

Through order of this Court dated 03.03.2017, the parties were directed to appear before the trial Court to get their statements recorded, who in turn was directed to send a report to this Court with regard to the veracity of the compromise, if any, between the parties as also to inform the number of persons involved in the present case, whether any of them has been declared as proclaimed offender as also the status of the trial.

As directed, report dated 28.03.2017, from the Judicial Magistrate Ist Class, Ambala, has been received, as per which the parties recorded their statements before the trial Court in terms of the compromise arrived at between them, no other criminal case is pending against the petitioners, none of them has ever been declared as proclaimed offender and

the trial is pending at the stage of defence evidence.

Learned State counsel has also no objection, if the present petition is allowed.

In view of the above as also for the reason that the dispute between the two parties belonging to the same village; the offence is not heinous in nature in which the investigation is yet to conclude and the matter having been compromised, continuation of the proceedings in pursuance to the afore-referred FIR, would be an abuse of the process of law and in terms of the law laid down by the Full Bench of this Court in **Kulwinder Singh and others versus State of Haryana and others, 2007 (3) RCR (Criminal) 1052**, I deem it just and proper to allow the petition and resultantly quash the FIR No.263 dated 24.05.2010, registered under Sections 148, 149, 323, 325, 506 IPC, at Police Station Ambala Cantt., District Ambala and all proceedings arising therefrom.

(DEEPAK SIBAL)
JUDGE

May 09, 2017

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<i>(i) Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>(ii) Whether reportable</i>	<i>Yes/No</i>