

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

**CRM-M-26705-2018 (O&M)
Date of decision: 29.11.2018**

Devender @ Nathi and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Savita Rana, Advocate
for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Manoj PundirAnurag Tagra, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.35 dated 01.02.2018, registered under Sections 148, 149, 307, 323, 325, 341 and 506 of the Indian Penal Code (for short 'IPC') at Police Station Nissing, District Karnal and subsequent proceedings arising therefrom on the basis of compromise dated 12.02.2018 (Annexure P-2).

In the present case, the FIR was registered on the statement of Ompal son of Dulichand. Now, dispute between the parties has been resolved.

Vide order dated 02.07.2018, the parties were directed to appear before the learned trial court/Illaq Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Karnal wherein it has been reported that statements of the parties have been recorded and

compromise entered between the parties is genuine and valid.

Learned counsel for the State has not disputed that the parties i.e. petitioners, respondent No.2 (complainant), have arrived at a settlement with an intent to give burial to their differences.

It is the allegations in the FIR that Nathi had given iron rod blow on the head of the injured/complainant-Ompal, however, that laid down on the right hand then Kukki hit him and given blow with rod on the left leg near knee.

After going through the record, this court is of the view that offence under Section 307 IPC is not made out.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in **'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543** and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that the same are put to an end.

For the foregoing reasons, the petition is allowed and FIR No.35 dated 01.02.2018, registered under Sections 148, 149, 307, 323, 325, 341 and 506 IPC at Police Station Nissing, District Karnal and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

November 29, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no