

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

CRM-M-35846 of 2018.

Decided on:- November 16, 2018.

Richpal @ Richhi and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Manoj Kumar Sood, Advocate
for the petitioners.

Mr. Ripu Daman, Assistant Advocate General, Haryana.

Mr. Abhinav Sood, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.271 dated 21.06.2018 under Sections 148, 149, 452, 323, 325 and 506 IPC registered at Police Station NIT Faridabad, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of Memorandum of Settlement/compromise dated 08.08.2018 (Annexure P-2).

This Court vide order dated 20.08.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Faridabad and got their statements recorded on 21.09.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 21.09.2018 to the effect that the parties have compromised the matter voluntarily, without any pressure and according to their free will. Thereafter, learned Magistrate had recorded the statement of injured Sanjay in support of compromise between the parties and submitted the supplementary report dated 24.09.2018.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Birpal. He has made his statement before learned Magistrate on 21.09.2018 in support of the compromise, wherein he has deposed that the matter has been compromised with the petitioners-accused and he has no objection in case the FIR in question is quashed qua the petitioners.

Similar statement has been made by injured Sanjay before learned Magistrate on 24.09.2018, wherein he has stated that he has no objection in case the FIR in question is quashed.

Learned State counsel and learned counsel for respondent No.2-complainant have not disputed the factum of compromise effected between the parties. Power of attorney filed on behalf of the complainant in Court today, is taken on record.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, the present petition is allowed and the FIR No.271 dated 21.06.2018 under Sections 148, 149, 452, 323, 325 and 506 IPC registered at Police Station NIT Faridabad, District Faridabad (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of Memorandum of Settlement/compromise dated 08.08.2018 (Annexure P-2).

November 16, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No