

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

CRM-M-37502 of 2018.

Decided on:- November 29, 2018.

Jitender and another

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Narender Kaajla, Advocate
for the petitioners.

Mr. Ripu Daman, Assistant Advocate General, Haryana.

Mr. Gurmail Singh Duhan, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

The petitioners have filed present petition under Section 482 Cr.P.C. for quashing of FIR No.488 dated 26.07.2017 under Sections 294, 341 and 506 IPC registered at Police Station Hansi City, District Hisar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 09.08.2018 (Annexure P-2).

This Court vide order dated 30.08.2018 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, Hansi and got their statements recorded on 01.10.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 09.10.2018 to the effect that the compromise between the parties is genuine, made voluntarily and out of their free will.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Lalit Kumar Sharma. In his statement dated 01.10.2018 made before learned Magistrate, he has deposed that the matter has been compromised between the parties and he has no objection in case the FIR in question is quashed.

Learned State counsel has not disputed the factum of compromise effected between the parties. Similarly, learned counsel for respondent No.2-complainant has also accepted the fact that the matter has been compromised between the parties.

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.488 dated 26.07.2017 under Sections 294, 341 and 506 IPC registered at Police Station

Hansi City, District Hisar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 09.08.2018 (Annexure P-2), however, subject to payment of costs of Rs.5,000/- by the petitioners (Rs.2,500/- each) to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of 15 days from today.

November 29, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No