

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

CRM-M- 40367 of 2018.

Decided on:- December 10, 2018.

Rajpal @ Palaram and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Balraj Singh Dhull, Advocate
for the petitioners.

Mr. Ripu Daman, A.A.G., Haryana.

Mr. Sandeep, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of the FIR No.264 dated 05.10.2014 under Sections 323, 324, 325, 326 and 506 IPC registered at Police Station Pundri, District Kaithal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.08.2018 (Annexure P-2).

This Court vide order dated 14.09.2018 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, Kaithal and got their statements recorded on 17.10.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 21.11.2018 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Ramkumar. He has made a statement before learned Magistrate on 17.10.2018 to the effect that matter has been compromised between the parties due to intervention of relatives and villagers. Both the parties belong to one family and now there is no dispute between them.

Learned State counsel and learned counsel for respondent No.2-complainant have not disputed the factum of compromise effected 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.264 dated 05.10.2014 under Sections 323, 324, 325, 326 and 506 IPC registered at

Police Station Pundri, District Kaithal (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 26.08.2018 (Annexure P-2), however, subject to payment of costs of Rs.10,000/- to be paid 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.

December 10, 2018

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No