

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 42062 of 2017

Date of decision: 08.02.2018

Nishant Garg and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sudhir Aggarwal, Advocate
for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Akshat Mittal, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No. 139 dated 29.08.2017 for offence punishable under Sections 148, 149, 323, 452 and 506 of the Indian Penal Code registered at Police Station City Sohna, District Gurugram and proceedings emanating therefrom on the basis of affidavit with regard to compromise (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Yash Tandon s/o Raj Kumar. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide order dated 08.11.2017, the parties were directed to appear before the trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Sub-Divisional Judicial Magistrate, Sohna, Gurugram wherein it has been reported that statements of the parties have been recorded and the parties have voluntarily compromised the matter without any fear or pressure and undue influence or coercion and same has done with the free consent of the parties.

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

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, FIR No. 139 dated 29.08.2017 for offence punishable under Sections 148, 149, 323, 452 and 506 of the Indian Penal Code registered at Police Station City Sohna,

Sahil Soni
2018.02.09 17:00
I attest to the accuracy and
integrity of this document

District Gurugram and proceedings emanating therefrom stand quashed qua the petitioners.

February 08, 2018
sahil soni

(RAJ SHEKHAR ATTRI)
JUDGE

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