

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

CRM-M No.46143 of 2016 (O&M)

Date of decision: 29.01.2018

Rajbir @ Raja

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sansar Kundu, Advocate
for the petitioner.

Mr. Ashok Mutneja, DAG, Haryana.

Mr. Shiv Charan Bhola, Advocate for
Mr. Jasdeep Singh, 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.296 dated 21.10.2013 for offence punishable under Sections 323, 341, 325, 506 of the Indian Penal Code (later on added Section 326 IPC) registered in Police Station Uchana, District Jind and all the subsequent proceedings arising therein on the basis of affidavit/compromise dated 15.12.2016 (Annexure P-2).

It was the case of prosecution that on 19th October, 2013 at about 05:00 p.m. when injured/complainant-Pawan Kumar was coming to his house, he was stopped by the accused who had given him biting on the lower lip and snatched Rs.700/-.

In the present case, the FIR was registered on the statement of Pawan Kumar son of Balmat. Now, dispute between the parties has been resolved by way of compromise.

Vide order dated 23.12.2016, the parties were directed to appear before the trial Court/Illaqa Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate Ist Class, Narwana through The District and Sessions Judge, Jind wherein it has been reported that from statements of the parties recorded, it appears that the compromise between the parties is genuine, with their own free will, voluntarily and without any coercion or undue influence. Complainant Pawan Kumar has specifically suffered a statement before the learned Magistrate and affirmed that the compromise has been effected voluntarily and out of his free will.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioner 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 **Sube Singh and another Vs. State of Haryana and another, 2013(4) RCR (Criminal) 102** 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.296

of the Indian Penal Code (later on added Section 326 IPC) registered in Police Station Uchana, District Jind and proceedings emanating therefrom stand quashed qua the petitioner.

JANUARY 29, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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