

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

288

CRM-M-7861-2017

Date of Decision: November 20, 2018

Harkesh and others

.....Petitioner(s)

versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.Mahendra Singh Tewatia, Advocate for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Ankit Gautam, Advocate for the complainant.

Raj Shekhar Atttri, J. (Oral)

By invoking Section 482 Code of Criminal Procedure (in short, “Cr.P.C.”), the petitioners have prayed for quashing of FIR No. 762 dated 23.10.2016 for offence punishable under Sections 148, 149, 285, 323, 427, 452, 506 of the Indian Penal Code (in short, “IPC”) and section 25 of the Arms Act, 1959, registered at Police Station Sadar Palwal, District Palwal and proceedings emanating therefrom on the basis of a compromise (Annexures P-2) arrived at between the parties.

Learned counsel for the petitioners submits that petitioner No.10 Deva @ Devender Singh son of Mahender had died and his death certificate has been produced in Court. Learned counsel submits that he has not been assigned any role in the commission of offence.

In the present case, the FIR was registered on the statement of Dharmender son of Sh. Kishan Singh. Now, dispute between the parties has been

Vide order dated 27.07.2018, 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 Judicial Magistrate Ist Class, Palwal, wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any coercion or undue influence.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioner and respondent No.2 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. 762 dated 23.10.2016 for offence punishable under Sections 148, 149, 285, 323, 427, 452, 506 of the Indian Penal Code and section 25 of the Arms Act, 1959, registered at Police Station Sadar Palwal, District Palwal and proceedings emanating therefrom stand quashed qua the petitioners.

November 20, 2018

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[RAJ SHEKHAR ATTRI]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes
No