

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

CRM-M-1298-2019 (O&M)

Date of decision: March 13, 2019

Vikash Mokharwal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. R.A. Sheoran, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Mohit, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(ORAL)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.803 dated 15.11.2018, under Sections 323, 377, 406, 498-A, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC') registered at Police Station City Bhiwani, District Bhiwani and subsequent proceedings arising therefrom on the basis of compromise dated 13.12.2018 (Annexure P-2).

Reply by way of affidavit of Virender Singh, HPS, Deputy Superintendent of Police, Bhiwani, on behalf of respondent No.1, filed by learned State counsel is taken on record.

In the present case, the FIR was registered on the statement of Neelam wife of Vikash Mokharwal. Now, dispute between the parties has been resolved.

Vide order dated 14.01.2019, the parties were directed to appear before the learned trial court/illaqa magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Chief Judicial Magistrate, Bhiwani wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is genuine, voluntary and out of their free will.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed that the parties i.e. petitioner, 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. Consequently, FIR No.803 dated 15.11.2018, under Sections 323, 377, 406, 498-A, 506, 34 IPC registered at Police Station City Bhiwani, District Bhiwani and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioner.

March 13, 2019
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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