

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

CRM-M-3059-2019 (O&M)

Date of decision: March 25, 2019

Rajesh Kaushik

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, 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.123 dated 12.04.2014, under Sections 323, 324, 354-A, 377, 511, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC') (Section 307 IPC deleted later on), registered at Police Station Sector-40, District Gurgaon and subsequent proceedings arising therefrom on the basis of compromise dated 01.12.2018(Annexure P-2) and joint statement dated 14.11.2018 (Annexure P-3).

In the present case, the FIR was registered on the statement of Seema daughter of Mul Chand Sharma. Now, dispute between the parties has been resolved.

Vide order dated 24.01.2019, the parties were directed to appear before the learned trial court/illqa magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Judicial Magistrate Ist Class, Gurugram, wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is genuine, with their free will, without any pressure or any undue

Learned State counsel as well as learned counsel for respondent No.2 have not disputed that the parties i.e. petitioner, respondent No.2, have arrived at a settlement with an intent to give burial to their differences.

Reply by way of affidavit of Aman Yadav, HPS, Assistant Commissioner of Police, Sadar, Gurugram, on behalf of respondent No.1, filed by learned State counsel, is taken on record.

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.123 dated 12.04.2014, under Sections 323, 324, 354-A, 377, 511, 506, 34 IPC, (Section 307 IPC deleted later on), registered at Police Station Sector-40, District Gurgaon and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioner.

March 25, 2019
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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