

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

CRM-M-26015-2017 (O&M)

Date of decision: February 27, 2019

Pawan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Bikram Chaudhary, Advocate
for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

RAJ SHEKHAR ATTRI, J.(ORAL)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.0194 dated 16.04.2017, under Sections 363, 366-A of the Indian Penal Code (for short 'IPC'), registered at Police Station Sector 55, Faridabad, District Faridabad and subsequent proceedings arising therefrom on the basis of affidavit/statement dated 10.05.2017.

In the present case, the FIR was registered on the statement of Manish son of late Jagadish Singh Rana Thakur. Now, dispute between the parties has been resolved.

Learned counsel for the petitioner has submitted that respondents No.5 and 6 are not the necessary parties as they have already been acquitted, therefore, he withdraws the present petition against them.

In this view of the matter, petition qua respondents No.5 and 6 is dismissed as withdrawn.

It is the case of the prosecution that Karan @ Chela has committed rape upon the minor prosecutrix-Sanju @ Anni, for which a separate trial has been initiated against him and he has been acquitted vide judgment dated 18.10.2018.

Vide order dated 16.11.2018, 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 Judicial Magistrate Ist Class, Faridabad wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is genuine, voluntary without any coercion and undue influence.

A bare perusal of the statements of accused-Pawan; Usha Devi, Suresh and Sapna transpire that both Pawan and Sapna have married and are residing together.

Learned State counsel has not disputed that the parties i.e. petitioner, private respondents, 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 and FIR No.0194 dated 16.04.2017, under Sections 363, 366-A IPC, registered at Police Station Sector 55, Faridabad, District Faridabad and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioner.

February 27, 2019
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE