

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

CRM-M-53777-2018 (O&M)

Date of decision: March 19, 2019

Rahul

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

Mr. Rajpal Singh Chauhan, Advocate
for respondents No.2 to 7.

RAJ SHEKHAR ATTRI, J.(ORAL)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.269 dated 04.06.2018, under Sections 148, 149, 323, 354-B, 452, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of Arms Act, registered at Police Station Sadar Ballabgarh, District Faridabad, and subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

In the present case, the FIR was registered on the statement of Yasin son of Asgar. Now, dispute between the parties has been resolved.

Vide order dated 07.12.2018, 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, valid, out of their own sweet will, without any threat and coercion or undue influence.

Learned State counsel as well as learned counsel for respondents No.2 to 7 have not disputed that the parties i.e. petitioner, respondent No.2 to 7, have arrived at a settlement with an intent to give burial to their differences.

It has been submitted that FIR has already been quashed qua other accused in *CRM-M-35811-2018* vide order dated 17.10.2018 passed by the coordinate bench of this court.

In the reply filed by way of affidavit of Aman Yadav, HPS, Assistant Commissioner of Police, Tigaon, District Faridabad, on behalf of respondent No.1-State, it has been found during investigation that no commission of offences under Sections 354-B, 452, 148, 149 IPC and 25 of Arms Act was found and these sections were deleted. Thus, this court is of the view that offence under Section 25 of Arms Act is not made in this case.

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.269 dated 04.06.2018, under Sections 148, 149, 323, 354-B, 452, 506 IPC and Section 25 of Arms Act, registered at Police Station Sadar Ballabgarh, District Faridabad and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioner.

March 19, 2019
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE