

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

CRM-M-34207 of 2019.

Decided on:- December 04, 2019.

Arun.

.....Petitioner.

Versus

The State of Haryana and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Gitanjali Chhabra, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Deepak Kumar Bartia, Advocate
for respondents No.2 to 4.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.338 dated 18.11.2018 under Sections 323, 354-B and 452 IPC registered at Police Station Uchana, District Jind (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavits dated 29.11.2018 (Annexures P-2 to P-4).

This Court vide order dated 22.08.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioner as well as respondent No.2-complainant and respondents No.3 and 4, who are injured in the case, have appeared before learned Sub Divisional Judicial Magistrate, Narwana and got their statements recorded in support of the compromise on 01.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 01.10.2019 to the effect that the compromise is genuine and has been arrived at by the parties voluntarily and out of their free will.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Rajpati. She has already made a statement in support of compromise before learned Magistrate on 01.10.2019 to the effect that the matter has been compromised with the accused, who belongs to her family. She has compromised the matter without any fear or greed and she has no objection in case the FIR is quashed.

Similarly, respondents No.3 and 4, who are injured in the case, have also made their respective statements in support of the compromise.

Learned counsel for respondents No.2 to 4 does not dispute the factum of compromise between the parties.

Learned State counsel also does not dispute the factum of compromise between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

Thus, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, the present petition is allowed and the FIR No.338 dated 18.11.2018 under Sections 323, 354-B and 452 IPC registered at Police Station Uchana, District Jind (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise by way of affidavits dated 29.11.2018 (Annexures P-2 to P-4).

December 04, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No