

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

CRM-M-44272 of 2019.

Decided on:- March 03, 2020.

Shamsher.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- None for the petitioner.

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

None for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.511 dated 31.10.2018 under Sections 294, 354, 452 and 506 IPC registered at Police Station Butana, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 17.09.2019 (Annexure P-2).

This Court vide order dated 17.10.2019 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 parties had appeared before learned Judicial Magistrate 1st Class, Karnal and got their statements recorded

on 04.12.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 07.12.2019 to the effect that the compromise between the parties has been effected with their free volition and the same is not a result of any undue influence or coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Suman. Though no one has put in appearance on her behalf today, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of compromise on 04.12.2019 to the effect that she has compromised the matter with the petitioner-accused without any pressure or threat and she has no objection in case the FIR in question is quashed.

Learned State counsel has not disputed the factum of compromise effected 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.511 dated 31.10.2018 under Sections 294, 354, 452 and 506 IPC registered at Police Station Butana, District Karnal (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 17.09.2019 (Annexure P-2), however, subject to

payment of total costs of Rs.5,000/- to be paid by the petitioner to Kalpana Chawla Government Medical College, Karnal within a period of one month from today.

March 03, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No