

Lokesh and others

... Petitioners

v/s

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Gulnaz Khan, Advocate for
Mr. Prashant Singh Chauhan, Advocate
for the petitioners.

Mr. Sulinder Kumar, AAG Haryana.

Mr. Sunny Rawat, Advocate
for respondents No. 2 and 3.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 576 dated 01.11.2018, under sections 323, 34, 341, 365 of Indian Penal Code, 1860 registered at Police Station Model Town, District Rewari, Haryana and all the consequential proceedings arising therefrom, on the basis of compromise dated 22.7.2019.

On 28.11.2019, notice of motion was issued and parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them.

The Trial Court was directed to record the statements of all the concerned and sent his report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 28.11.2019, learned Judicial

Magistrate 1st Class, Rewari has recorded the statements of the parties and submitted her report. As per the report of learned trial Court, compromise has been effected between the parties with the intervention of the respectables of the society. There is no grievance between the parties and compromise has been effected without any pressure, undue influence and coercion.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

Accordingly, the present petition is allowed and FIR No. 576 dated 01.11.2018, under section 323, 34, 341, 365 of Indian Penal Code, 1860 registered at Police Station Model Town, District Rewari, Haryana and all the consequential proceedings arising therefrom are quashed qua petitioners only.

23.01.2020

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No