

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 242

CRM-M-5061-2021

Date of decision : 22.03.2022

Pratap

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Ms.Sheenu Sura, DAG, Haryana.

None for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.406 dated 08.12.2020 registered under Sections 323, 354, 452 and 506 IPC at Police Station Sadar Jhajjar, District Jhajjar on the basis of a compromise entered into between the parties.

On 03.02.2021 this Court had directed the parties to appear before the Illaqa Magistrate for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report along with the recorded statements with regard to the validity and genuineness of the compromise in question as also to make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.

As directed, report dated 12.02.2021 from the Civil Judge (Senior Division)-cum-CJM, Jhajjar has been received as per which the parties had recorded their statements before the Trial Court in terms of the compromise arrived at between them; the compromise is genuine and voluntarily took place

between them; only the petitioner is arrayed as accused who is not involved in any other criminal case and that he has not been declared a proclaimed person.

Learned State counsel has also raised no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR which offences are not heinous; the parties are neighbours; investigation is at its initial stage and the matter having been compromised, would be an abuse of the process of law and in terms of the law laid down by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and others*, 2007 (3) RCR (Criminal) 1052, this Court deems it just and proper to allow the petition and resultantly quash FIR No.406 dated 08.12.2020 registered under Sections 323, 354, 452 and 506 IPC at Police Station Sadar Jhajjar, District Jhajjar and all proceedings arising therefrom qua the petitioner.

22.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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