

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 226

CRM-M-41071-2020

Date of decision : 04.03.2022

Shiv Kumar and another

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Virat Rana, Advocate, for the petitioners.

Ms.Sheenu Sura, DAG, Haryana.

Ms.Pancy Singh Soni, Advocate, 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.92 dated 02.03.2019 registered under Section 328 IPC at Police Station Safidon, District Jind on the basis of compromise dated 04.08.2020 (Annexure P-2) entered into between the parties.

On 06.04.2021 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report with regard to the veracity of the compromise as also to apprise whether all the accused are party to the compromise and whether any of them have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

As directed, report dated 24.08.2021 from the Additional Sessions Judge, Jind has been received, as per which the parties had recorded their statements before the Illaqa Magistrate/Trial Court in terms of the compromise arrived at between them; the compromise is voluntary, without any force,

coercion and undue influence and that petitioner No.1 is the only accused in the present case who has not been declared as a proclaimed offender.

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 in which offence is not heinous as also 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.92 dated 02.03.2019 registered under Section 328 IPC at Police Station Safidon, District Jind and all proceedings arising therefrom, qua the petitioners.

04.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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