

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 242

CRM-M-53305-2021

Date of decision : 21.04.2022

Kaushal Kumar @ Kunal

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

None for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.430 dated 12.07.2021 registered under Sections 363 and 366-A IPC at Police Station City Palwal, District Palwal on the basis of compromise dated 16.11.2021 (Annexure P-2) entered into between the parties.

On 20.12.2021 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 number of persons arrayed as accused; whether any of them is proclaimed offender; whether the compromise is genuine, voluntary and without any coercion or undue influence; whether the accused are involved in any other FIR or not and that how many victims/complainants are there in the FIR.

As directed, report dated 06.01.2022 from the Additional Chief Judicial Magistrate, Palwal 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 same is genuine, voluntary and

without any coercion or undue influence; only the petitioner is arrayed as accused in the FIR; he has not been declared a proclaimed offender and that respondent No.2 is the only victim/complainant in the FIR.

Learned State counsel has 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 are 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.430 dated 12.07.2021 registered under Sections 363 and 366-A IPC at Police Station City Palwal, District Palwal and all proceedings arising therefrom, qua the petitioner.

21.04.2022

shamsher

[DEEPAK SIBAL]
JUDGE

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