

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 267

CRM-M-55342-2019

Date of decision : 22.09.2022

Naresh Kumar and others

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.D.S.Adlakha, Advocate, for the petitioners.

Mr.Karan Sharma, DAG, Haryana.

None for respondents No.2 and 3.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.240 dated 30.06.2015 registered under Sections 323, 325, 34 IPC (Section 354 IPC added later on) at Police Station Farakpur, District Yamuna Nagar on the basis of a written compromise dated 18.12.2019 (Annexure P-3) entered into between the parties.

On 06.01.2020 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 along with the recorded statements with regard to the veracity of the compromise between the parties as also to apprise this Court the number of persons arrayed as accused; whether any of them is proclaimed offender; status of the trial/proceedings and whether the compromise is genuine, voluntary and without any coercion or undue influence.

As directed, report dated 17.01.2020 from the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhari 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; only the petitioners are arrayed as the accused; they have not been declared proclaimed offender(s); the case is at the stage of defence evidence and arguments and that the compromise between the parties is genuine, voluntary and without any coercion or undue influence.

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 offences 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 Supreme Court in Narinder Singh vs. State of Punjab (2014) 6 SCC 466, this Court deems it just and proper to allow the petition and resultantly quash FIR No.240 dated 30.06.2015 registered under Sections 323, 325, 34 IPC (Section 354 IPC added later on) at Police Station Farakpur, District Yamuna Nagar and all proceedings arising therefrom qua the petitioners.

22.09.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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