

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 248

CRM-M-2524-2022

Date of decision : 11.04.2023

Mohan @ Keshav

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Kanishk Sarup, Advocate, for
Mr.Pratham Sethi, Advocate, for the petitioner.

Mr.Rajiv Sidhu, DAG, Haryana.

Mr.S.S.Gill, Advocate, 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.0048 dated 17.03.2021 registered under Sections 307, 323 and 34 IPC at Police Station Munak, District Karnal and all proceedings arising therefrom qua the petitioner on the basis of a compromise dated 08.01.2022 (Annexure P-3) entered into between the parties.

Admittedly, the only injuries on the complainant are abrasions on his arms/legs/right leg and therefore no offence under Section 307 IPC is made out.

On 05.04.2022 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 whether all the accused are party to the compromise and whether any of them have ever been declared proclaimed offender(s).

As directed, report dated 20.05.2022 from the Sub Divisional Judicial Magistrate, Assandh 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 same is voluntary; the petitioner/accused is party to the compromise and that he has not been declared a proclaimed offender.

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 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.0048 dated 17.03.2021 registered under Sections 307, 323 and 34 IPC at Police Station Munak, District Karnal and all proceedings arising therefrom qua the petitioner.

11.04.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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