

2023:PHHC:074659

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 241

CRM-M-5073-2023

Date of decision : 22.05.2023

Ashwani Kumar @ Ashwani and others

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Madan Sandhu, Advocate, for the petitioners.

Mr.Rajiv Sidhu, DAG, Haryana.

Mr.N.K.Malhotra, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

(1) The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.75 dated 16.04.2020 registered under Sections 148, 149, 323 and 506 IPC at Police Station Bahuakbarpur, Rohtak and all proceedings arising therefrom qua the petitioner on the basis of a compromise dated 02.01.2023 (Annexure P-3) entered into between the parties.

(2) On 01.02.2023 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).

(3) As directed, report dated 21.02.2023 from the Judicial Magistrate

Ist Class, Rohtak has been received as per which the petitioners and the complainant as also two other injured persons in the case namely Shiv Kumar and Naveen had recorded their statements before the trial court in terms of the compromise arrived at between them and that the petitioners/accused have not been declared proclaimed offender(s).

(4) Learned State counsel has no objection if the present petition is allowed.

(5) 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 *State of Madhya Pradesh vs. Laxmi Narayan and others* (2019) 5 SCC 688, this Court deems it just and proper to allow the petition and resultantly quash FIR No.75 dated 16.04.2020 registered under Sections 148, 149, 323 and 506 IPC at Police Station Bahuakbarpur, Rohtak and all proceedings arising therefrom qua the petitioners.

22.05.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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