

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 241

CRM-M-15651-2022

Date of decision : 20.01.2023

Gurwinder Singh

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Himanshu Garg, Advocate, for
Mr.Ishaan Pasricha, Advocate, for the petitioner.

Mr.Rajiv Sidhu, DAG, Haryana.

Mr.Surjit, Advocate, for
Mr.Sandeep Kumar, 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.463 dated 21.07.2021 registered under Sections 380 and 454 IPC at Police Station Assandh, District Karnal and all proceedings arising therefrom qua the petitioner on the basis of a compromise dated 15.11.2021 (Annexure P-2) entered into between the parties.

On 10.05.2022 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 number of accused arraigned in the FIR and how many of them have appeared before it and have made statements and whether any of them is absconding/P.O; the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise; the stage of trial/proceedings and whether the compromise is genuine, voluntary and out of free will of the parties.

As directed, report dated 10.06.2022 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; only the petitioner is arraigned as the accused; he has appeared and made his statements before the Trial Court; he has not been declared a proclaimed offender; respondent No.2 is the only complainant/injured/aggrieved and has appeared and made his statement before the Trial Court; the case is at the stage of prosecution's evidence and that the compromise has been entered into voluntarily and without any pressure or influence from any side.

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.463 dated 21.07.2021 registered under Sections 380 and 454 IPC at Police Station Assandh, District Karnal and all proceedings arising therefrom qua the petitioner.

20.01.2023

shamsher

[DEEPAK SIBAL]

JUDGE

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