

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 248

CRM-M-29984-2022

Date of decision : 20.01.2023

Jony and others

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Namit Khurana, Advocate, for the petitioners.

Mr.Rajiv Sidhu, DAG, Haryana.

Ms.Ishita Jain, Advocate, for respondents No.2 to 5.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.124 dated 15.11.2020 registered under Sections 323, 506, 504, 188, 34 IPC and Section 51 of the Disaster Management Act, 2005 at Police Station Gandhi Nagar, District Yamuna Nagar and all proceedings arising therefrom qua the petitioners on the basis of a compromise (Annexure P-2) entered into between the parties.

On 29.09.2022 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 names 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; whether the compromise is genuine, voluntary and out of free will of the parties and whether any other criminal case is pending against any of the accused.

As directed, report dated 18.11.2022 from the Judicial Magistrate Ist Class, Yamua Nagar at Jagadhri 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 arraigned as the accused; all of them have appeared and made their respective statements before the Trial Court; none of them have been declared proclaimed offender(s); respondents No.2 to 5 are the complainant(s)/injured(s)/aggrieved and have appeared and made their respective statements before the Trial Court; the case is fixed for recording prosecution's evidence; the compromise is genuine, voluntary and without any coercion or undue influence and that no other criminal case is pending against any of the accused.

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.124 dated 15.11.2020 registered under Sections 323, 506, 504, 188, 34 IPC and Section 51 of the Disaster Management Act, 2005 at Police Station Gandhi Nagar, District Yamuna Nagar and all proceedings arising therefrom qua the petitioners.

20.01.2023
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[DEEPAK SIBAL]
JUDGE

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