

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 221

CRM-M-55639-2022

Date of decision : 05.01.2023

Chaman Lal Sharma and another

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Vivek Goyal, Advocate, for the petitioners.

Mr.Rajiv Sidhu, DAG, Haryana.

Ms.Renu Bala Kamboj, 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.247 dated 28.07.2019, registered under Sections 323, 324, 34, 452 and 506 IPC (Section 452 IPC deleted) at Police Station Chandimandir, District Panchkula, on the basis of a compromise dated 11.11.2022 (Annexure P-4) entered into between the parties.

On 01.12.2022 this Court had directed the parties to appear before the Trial Court/Illaq Magistrate 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 genuineness and voluntary nature of the compromise; whether all accused/petitioners are appearing before the Court or are on bail; whether any other proceeding is pending against them and whether any accused has been declared proclaimed offender.

As directed, report dated 21.12.2022 from the Additional Chief Judicial Magistrate, Panchkula 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 compromise is genuine and voluntary; the accused are on bail; no other criminal case is pending against them and that they have not been declared proclaimed offenders.

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.247 dated 28.07.2019, registered under Sections 323, 324, 34, 452 and 506 IPC (Section 452 IPC deleted) at Police Station Chandimandir, District Panchkula and all proceedings arising therefrom qua the petitioners.

05.01.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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