

S. No.259

2023:PHHC:155273

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-51068 of 2019

Date of Decision:05.12.2023

**Bhura @ Shakur Mohammad and others
Vs.**

.....Petitioners

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. B.S. Khehar, Advocate for the petitioners.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.175 dated 08.9.2017 registered under Sections 148, 149, 307, 323 and 506 IPC at Police Station Chhapar, District Yamuna Nagar along with all subsequent proceedings arising therefrom, on the basis of compromise dated 22/23.11.2019 (Annexure P.7).

This Court vide order dated 02.12.2019 had directed the parties to appear before the trial Court/Area Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

In compliance of the order dated 02.12.2019 passed by this Court, the parties appeared before the trial Court concerned and their statements were recorded confirming compromise. Report of the trial Court concerned has already been received in this regard.

However, compounding of the matter has been opposed by learned State Counsel on the ground that Section 307 IPC is involved and the injury was caused on the head of the complainant.

On the direction of this Court, petitioners have also placed on record copy of the statements of the injured – Sanjeev Kumar made before the Court as well as that of the complainant – Rajiv Kumar, revealing that they had supported the prosecution. However, those statements were made prior to compromising of the matter having regard to the fact that injured – Sanjeev Kumar has compounded the matter with the petitioners.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and F.I.R. No. 175 dated 08.9.2017 registered under Sections 148, 149, 307, 323 and 506 IPC at Police Station Chhapar, District Yamuna Nagar along with all subsequent proceedings arising therefrom, on the basis of compromise dated 22/23.11.2019 (Annexure P.7) are quashed qua the petitioners.

December 05, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No