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2024:PHHC:143839



251

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

CRM-M-32120-2023

Date of decision:05.11.2024

DEEPAK GUAR AND ANOTHER

...Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. P.S. Sullar, Advocate and
Mr. Himanshu Bansal, Advocate for
Mr. Saurabh Dalal, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Gurasis Singh, Advocate for
Mr. Mandeep Singh, Advocate for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.353 dated 17.11.2021 registered under Sections 302, 323, 34 of IPC (Section 304-A Section 302 deleted later on) and after investigation Sections 506, 34 of IPC remain at Police Station Khedipul, District Faridabad, on the basis of compromise.

2. The above stated FIR was registered on the statement of the complainant/respondent No.2- Sunil against the petitioners.

3. On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.



4. Reply was filed on behalf of the State wherein it was specifically stated that in the instant case the cause of death was congestive heart failure due to myocardial infection as a result of complicated atherosclerosis which was ante-mortem in nature and sufficient to cause death in ordinary course of nature. Further in the said reply, it was stated that the trial Court has framed charges against the accused persons only under Section 506 read with Section 34 of IPC.

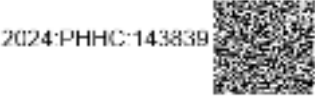
5. During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

6. In compliance thereof, report from the Court of Judicial Magistrate First Class, Faridabad along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

7. I have heard learned counsel for the parties.

8. Learned counsel for the petitioners and for respondent No.2 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

9. In view of above, nothing remains to be adjudicated further in the present case. Thus, continuation of the criminal proceedings between the parties would be a futile exercise and sheer wastage of time of the Court and thus, amount to abuse of process of law.



10. For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, this petition is allowed and FIR No.353 dated 17.11.2021 registered under Sections 302, 323, 34 of IPC (Section 304-A Section 302 deleted later on) and after investigation Sections 506, 34 of IPC remain at Police Station Khedipul, District Faridabad, and all the subsequent proceedings are hereby quashed qua the present petitioners.

05.11.2024
Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No