

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

**C.R.M-M No.11485-2015
Date of Decision :06.10.2015**

Manoj Jain

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Deepender Singh, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

On 09.04.2015 the following order was passed :-

“The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of the FIR No.863 dated 10.12.2014, under Section 406 IPC, registered at Police Station Ballabgarh City, District Faridabad on the basis of compromise dated 02.04.2015 at Annexure P-2, which as per counsel has been entered into between the parties.

Notice of motion, returnable for 29.06.2015.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate concerned on 27.04.2015 for recording of their statements.

A report as regards veracity of the compromise be furnished to this Court on or before the adjourned.”

On 29.06.2015 the following order was passed :-

“In the instant quashing petition based on compromise, parties had been directed to appear before the Illaqa Magistrate concerned on 27.04.2015 for recording of their statements.

Counsel appearing for the petitioners prays for one more opportunity so as to ensure the presence of the complainant to facilitate recording of the statement towards compromise.

Prayer is allowed.

Parties are now directed to appear before the Illaqa Magistrate concerned for recording of their statements on 20.07.2015.

List on 06.10.2015.

A report with regard to veracity of the compromise be also furnished on or before the adjourned date.”

Thereafter, the report of the Additional Chief Judicial Magistrate, Faridabad dated 20.07.2015 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a compromise has indeed taken place between them and that the compromise has been executed voluntarily and without any pressure.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua the petitioner.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

06.10.2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**