

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

C.R.M-M No.14989-2015

Date of decision :09.10.2015

Ajay Arora and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. M.L.Saini, Advocate
for the Petitioners.

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)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.8 dated 07.02.2011 registered under Sections 323/354/506 and 34 IPC at P.S. Kalka, District Panchkula and all consequential proceedings arising therefrom on the basis of compromise effected between the parties.

As per office report, notice could not be issued to respondents No.1 and 2 as process fee is not filed.

Notice of motion.

On the asking of the Court, Mr. Surinder Singh Pannu, DAG, Haryana, accepts notice on behalf of the respondent No.1-State.

Learned counsel for the petitioners supplied a copy of the petition to the learned Deputy Advocate General, Haryana in the Court itself.

On 08.05.2015 the following order was passed:-

“Notice of motion for 9.10.2015.

In the meantime, parties are directed to present themselves before the Trial Court on 28.5.2015 or any other date convenient to the Court for recording their statements with regard to the compromise. The Trial Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Trial Court is further directed to send a report alongwith statements of the parties with regard to the validity or otherwise of the compromise effected between the parties and intimate whether any other case is pending against either of the parties or not before the next date of hearing.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Kalka dated 01.06.2015 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 petitioners.

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

October 09, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**