

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.16772 of 2014 (O&M)

Date of decision :14.08.2015

Pawan Sharma & others

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Sanejev Kr.Panwar, Advocate for the petitioners.

Ms.Neelam Kashyap, DAG, Haryana.

Mr.Mohan Singh Rana, Advocate for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No.58 dated 23.02.2012 , under Sections 420, 406 IPC, registered at Police Station City Jagadhri, District Yamuna Nagar on the basis of compromise.

On 26.02.2015 the following order was passed:-

"The present petition has been filed under Section 482 Cr.P.C.for quashing of F.I.R. No.58 dated 23.02.2012 registered under Sections420/406 of IPC at Police Station City Jagadhri, District Yamuna Nagar, and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition.

The parties are directed to be present before the trial court on the date fixed i.e. 25.05.2014 or any other date convenient to the Court for recording their statements with regard to compromise.

Adjourned to 14.08.2015 to await the report. "

Thereafter, the report of the Addl.Chief Judicial Magistrate, Yamuna Nagar at Jagadhri dated 04.07.2015 has been received

whereby he had mentioned that the parties had appeared before him and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. Learned DAG has accepted this fact.

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 FIR No.58 dated 23.02.2012 , under Sections 420, 406 IPC, registered at Police Station City Jagadhri, District Yamuna Nagar and all other 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.

(AJAY TEWARI)
JUDGE

August 14 , 2015

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