

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

C.R.M-M No.17999 -2015

Date of Decision : 05.11.2015

Yogesh Soni

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Subhash, Advocate for
Mr. J.S.Saneta, Advocate
for the petitioner.

Mr. Surinder Singh Pannu, DAG, Haryana.

Mr. B.S.Brar, Advocate
for respondent No.2.

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)

The present petition has been filed under Section 482 Cr.P.C.
for quashing of F.I.R. No.31 dated 21.01.2015 registered under Sections
376/420 IPC at Police Station Karnal Civil Lines, District Karnal and all
other consequential proceedings arising therefrom on the basis of
compromise effected between the parties.

On 28.05.2015 the following order was passed:-

*“Prayer is for quashing of FIR on the basis of
compromise. Learned counsel states that offences are under
Sections 376, 420 IPC but the petitioner has solemnized*

marriage with respondent No.2 on 13.02.2015 and the said marriage has been registered on 30.04.2015 with the Registrar also.

Learned counsel states that 01.06.2015 is date fixed before the trial Court. Both the parties are directed to appear before the trial Court and make their statements on the factum of compromise.

Trial Court is directed to record their statements in order to ascertain genuineness of compromise and after recording its satisfaction, prepare a report and send the same to this Court before the adjourned date.

Adjourned to 17.08.2015.”

On 17.08.2015 the following order was passed :-

“In this case, statements have been recorded and the report has been received. However, I find that notice was not issued to the State of Haryana.

Mr. Chetan Sharma, AAG, Haryana, at the asking of the Court, accepts notice on behalf of respondent No.1.

Learned counsel for the petitioner has supplied a copy of the petition to the learned AAG today in Court itself.

Learned AAG seeks an adjournment to file reply.

Adjourned to 05.11.2015.”

Thereafter, the report of the Additional District & Sessions Judge, Karnal dated 04.07.2015 has been received whereby she has mentioned that the parties had appeared before her 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 miscellaneous application, if any, also stands disposed of.

November 05, 2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**