

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-18975 of 2015

Date of Decision: 01.09.2015

Janpal Singh

... Petitioners)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Ajay Tewari.

Present: Mr. Parminder Singh, Advocate
for the petitioner(s).

Mr. Supriya Arora, Deputy Advocate
General, Punjab for respondent No.1.

Mr. Harpal Singh Taragarh Advocate
for respondent No.2.

Ajay Tewari, J.

This petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No. 147 dated 8.4.2013, registered under Sections 323, 294, 509 & 506 IPC at Police Station Nissing, District Karnal along with all the consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 3.6.2015, the following order was passed:

*"Prayer in this petition is for quashing of the
FIR No.147 dated 08.04.2013 registered under Sections
323, 294, 509, 506 IPC at Police Station Nissing, District
Karnal on the basis of settlement arrived at between the*

parties.

Notice of motion for 28.07.2015.

On the asking of the Court, Mr. Manoj Dhankhar, AAG, Haryana, who is present in the Court, accepts notice on behalf of respondent No.1.

At this stage, Mr. Harpal Singh Taragarh, Advocate puts in appearance on behalf of respondent No. 2 and submits that respondent No. 2-complainant, Harpreet Kaur, has no objection to the quashing of the above said FIR in view of the settlement arrived at between the parties.

In view of above, the parties are directed to appear before the trial Court on 08.07.2015 i.e. the date stated to be fixed before the trial Court. Their statements in respect to the compromise shall be recorded on the said date or any other date subject to the convenience of the trial Court. Report be submitted by the learned trial Court in regard to the genuineness of the compromise, whether it has been entered into out of free will and volition of the parties, without any fear, apprehension, undue influence or coercion. It should also be informed whether the petitioners are proclaimed offenders. Any other case pending against the petitioners should also be noted.

List on 28.07.2015."

Thereafter, the report of the Judicial Magistrate Ist Class, Karnal dated 10.7.2015 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 petitioners.

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

(Ajay Tewari)
Judge

September 1, 2015
"DK"