

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.21030-2014 (O&M)
Date of Decision : 08.09.2015

Sumitra Devi & another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Narender Pal Bhardwaj, Advocate
for the petitioners.

Ms. Supriya Arora, 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)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.39 dated 15.01.2014 registered under Sections 323, 406 and 498-A IPC at Police Station City Thanesar, District Kurukshetra.

On 07.01.2015 the following order was passed:-

"CRM-38528-2014

For the reasons recorded in the application, the same is allowed. Applicant is impleaded as petitioner No.3 in the present petition. Amended memo of parties taken on record.

CRM-38529-2014

It has been stated that pursuant to the compromise a petition under Section 13-B of the Hindu Marriage Act was filed in the Matrimonial Court and the same is now fixed for 22.04.2015. Let the parties record their statements about this compromise before the Matrimonial Court on 22.04.2015. The Matrimonial 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 Matrimonial Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties. Let the report of the Matrimonial Court be awaited for 28.05.2015."

Thereafter, the report of the District and Sessions Judge, Kurukshetra dated 02.05.2015 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 petitioners.

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

08.09.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**