

247 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.21038 of 2015 (O&M)

Date of decision :12.10.2015

Kunal Lakhina & others

..... Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Sompreet Singh Brar, Advocate for the petitioners.
Mr.S.S.Pannu, DAG, Haryana.

Mr.Gurbir Dhillon, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR.

On 02.07.2015 the following order was passed:-

“ The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.99 dated 28.03.2015, under Sections 498-A/406/323/506/34 IPC and Sections 3/4 of the Dowry Prohibition Act, registered at Police Station Civil Lines, District Sonapat on the basis of compromise dated 26.05.2015 at Annexure P-2, which as per counsel has been entered into between the parties.

Notice of motion, returnable for 12.10.2015.

In the meantime, parties are directed to appear before the trial Court/Illaq Magistrate concerned on 20.07.2015 for recording of their statements.

A report as regards veracity of the compromise be furnished to this Court on or before the adjourned date.”

Thereafter, the report of the Civil Judge (Sr. Division)-cum-Addl. Chief Judicial Magistrate, Sonapat dated 22.07.2015 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 also 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.99 dated 28.03.2015, under Sections 498-A/406/323/506/34 IPC and Sections 3/4 of the Dowry Prohibition Act, registered at Police Station Civil Lines, District Sonapat 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

October 12 , 2015

sunita