

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No. 22921 of 2015 (O&M)

Date of decision :20.10.2015

Sanju Kumar

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Malkeet Singh, Advocate for the petitioner.

Mr.Chetan Sharma, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No.73 dated 28.01.2013, under Sections 279/337/338 IPC, registered at Police Station Sadar, District Karnal on the basis of compromise.

On 16.07.2015 the following order was passed:-

“ The instant petition has been filed under Section 482 Cr.P.C. Seeking quashing of FIR No. 73 dated 28.01.2013, under Sections 279/337/338 IPC, registered at Police Station Sadar Karnal, District Karnal on the basis of compromise,which as per counsel has been entered into between the parties.

Notice of motion, returnable for 20.10.2015.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate concerned on 05.08.2015 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 Judicial Magistrate 1st Class, Karnal dated 30.09.2015 has been received whereby she had mentioned that the parties had appeared before her 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. She has further reported that no accused is proclaimed offender in this case. Learned AAG 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.73 dated 28.01.2013, under Sections 279/337/338 IPC, registered at Police Station Sadar, District Karnal and all other proceedings arising therefrom are quashed qua the petitioner.

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

(AJAY TEWARI)

JUDGE

October 20, 2015

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