

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

CRM-M No. 25468 of 2014 (O&M)

Date of decision 23.02.2015

Kishan Pal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Maharaj Kumar, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

Mr. Jagdeep S. Virk, Advocate for respondents No. 3 and 4.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No. 435 dated 23.05.2010 under Sections 279, 337, 304-A IPC, registered at Police Station, Civil Line, Karnal on the basis of compromise (Annexure P-2).

On 18.11.2014 the following order was passed:-

“ Learned counsel for respondents No. 3 and 4 seeks some time to file reply.

Adjourned to 23.02.2015.

Meanwhile, the parties are directed to be present before the trial Court on 26.11.2014 or any other date convenient to the trial court for recording their statements with regard to compromise. The trial 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 trial 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 and also intimate whether any case is pending against either of the parties or not before the next date of hearing. The trial Court is also directed to intimate with regard to pendency of any P.O.proceedings against the parties.”

Thereafter, the report of the Judicial Magistrate 1st Class, Karnal dated 16.01.2015 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. He has further intimated that no other case is pending against any of the parties. Learned Addl.AG 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. 435 dated 23.05.2010 under Sections 279, 337, 304-A IPC, registered at Police Station, Civil Line, 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

February 23, 2015

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