

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M- 28175 of 2015 (O&M)

Date of Order: 28.09.2015

Malkiat Singh

....Petitioner

Versus

State of Haryana and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. H.S. Sullar, Advocate for the petitioner.

Ms. Supriya Arora, AAG, Haryana.

AJAY TEWARI, J (ORAL)

On 24.08.2015 the following order was passed:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.132 dated 10.05.2006 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Ambala City, District Ambala and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

Ms. Tanushree Gupta, DAG, Haryana at the asking of the Court, accepts notice on behalf of respondent No.1. Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned Addl. AG during the course of the day.

To come up on 28.09.2015.

Meanwhile, the parties are directed to be present before the trial Court on the date fixed i.e. 26.08.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The 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 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 criminal case is pending against either of the parties or not before the next date of hearing.”

Thereafter, the report of the Addl. District & Sessions Judge, Ambala dated 27.8.2015 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 the petitioners.

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

September 28, 2015
manoj

(AJAY TEWARI)
JUDGE