

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

242

CRM-M-30106 of 2014 (O&M)
Decided on : 06.02.2015

Rajesh Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.Vikram Sheoran, Advocate for the petitioner.
Mr.R.K.Makkad, DAG, Haryana.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. 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.296 dated 13.05.2014 registered under Sections 323, 452, 506, IPC at Police Station Sector 10, Gurgaon and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition.

On 02.09.2014 the following order was passed:-
Notice of motion for 10.10.2014.

This is a petition for quashing of FIR on the basis of compromise.

Parties are directed to appear before the learned trial Court/Ilalaqa Magistrate on 5.9.2014. The learned trial Court/Ilalaqa Magistrate shall record the statement of all the effected parties and shall report whether any volunteer compromise has been arrived at between the parties. The report of the trial Court/Ilalaqa Magistrate, in this regard be called for the date fixed.”

On 01.12.2014 the following order was passed:-

“It has been stated that statements have been duly recorded but report has not been received. To await the report and to seek an explanation from the Court as to why report has not been dispatched, adjourned to 6.2.2015.”

In compliance with the order dated 01.12.2014, passed by this Court, explanation from the concerned Judicial Magistrate has been received and the same is accepted.

Report of the Judicial Magistrate 1st Class, Gurgaon, dated 10.12.2014 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 petitioner.

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

[Ajay Tewari]
Judge

06.02.2015
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