IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.M-M No.30821 -2015
Date of Decision : 16.11.2015

Neelam and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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Present : Mr.Saurabh Sharma, Advocate
for the petitioners.

Mr. Chetan Sharma, AAG, Haryana.

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

On 11.09.2015 the following order was passed:-

"The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.235 dated 04.05.2010 registered under Sections 147, 149, 323, 506 IPC at Police Station City TSR, District Kurukshetra and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

On the asking of the Court, Ms. Supriya Arora, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent No.1.

POOJA SHARMA
2015.11.18 11:46
I attest to the accuracy and integrity of this document
Punjab and Haryana High Court, Chandigarh

Learned counsel for the petitioners undertakes to supply a copy of the petition to the learned A.A.G during the course of the day.

To come up on 16.11.2015.

Meanwhile, the parties are directed to be present before the trial Court on the date fixed i.e. 15.09.2015 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.

A photocopy of this order be given to the learned counsel for the petitioners under the signatures of the Bench Secretary."

Thereafter, the report of the Judicial Magistrate 1st Class, Kurukshetra dated 16.09.2015 has been received whereby she has mentioned that the parties had appeared before her 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.

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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 miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

November 16, 2015
Pooja Sharma-I

POOJA SHARMA
2015.11.18 11:46
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Punjab and Haryana High Court, Chandigarh