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

**CRM-M No.4573 of 2014
Date of Decision: 07.04.2015**

PREM WATI AND ANR

.....Petitioners

Vs

STATE OF HARYANA AND ANR

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Anshuman Dalal, Advocate
for the petitioners.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

Mr. Rohan Jain, Advocate
for respondent No.2.

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?***

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.55 dated 16.02.2001 under Sections 417, 420, 423, 465, 467, 468, 471, 120-B IPC, P.S. Sadar Rohtak and order dated 10.06.2013 and 11.06.2013 passed by Additional Chief Judicial Magistrate, Rohtak along with all subsequent proceedings arising therefrom on the basis of compromise.

This Court vide order dated 09.02.2015 directed the parties to appear before the Appellate Court for recording their statements

on the factum of compromise. Appellate Court was also directed to record the statements of the parties to its satisfaction and report regarding genuineness of the compromise in question.

In pursuance to the aforesaid order, both the parties appeared before the Additional Sessions Judge, Rohtak and got their statements recorded on 12.03.2015. Additional Sessions Judge, Rohtak also recorded its satisfaction vide report dated 16.03.2015, endorsing that the parties have effected compromise voluntarily and with their free will and consent. There is no element of pressure or coercion.

This Court is of the opinion that offence is private in nature and not against the whole society. Appeal against conviction is pending. In **2013(2) RCR (Crl.) 102, Sube Singh & Another v. State of Haryana and Another**, this Court held that magnitude of inherent powers is wide enough to cover proceedings in appeal also so as to prevent abuse of law and to achieve ends of justice. The compromise would facilitate both the parties to live in peace and to maintain public tranquility and offence in question is personal in nature and does not involve any heinous and serious offence of any mental depravity, nor it involves any offence covered under Prevention of Corruption Act. Therefore, when parties have resolved their differences, continuation of criminal proceedings would put the accused to oppression and prejudice. In such a situation the exercise of power to quash the proceedings would be in consonance

with the provisions of law to meet ends of justice and to prevent unnecessary continuation of proceedings which may ultimately result in some unnecessary vagaries of criminal trial/appeal.

The State on notice, however, object to the aforesaid course, but in order to prevent unnecessary continuation of criminal proceedings on the ground that both the parties have settled their dispute of private nature, this Court is of the opinion that it would be in fitness of things to quash the proceedings on the basis of compromise.

Resultantly, FIR No.55 dated 16.02.2001 under Sections 417, 420, 423, 465, 467, 468, 471, 120-B IPC, P.S. Sadar Rohtak and order dated 10.06.2013 and 11.06.2013 passed by Additional Chief Judicial Magistrate, Rohtak and all the subsequent proceedings arising therefrom, are quashed.

April 07, 2015

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(RAJ MOHAN SINGH)
JUDGE