

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

**C.R.M-M No.8283-2015 (O&M)
Date of Decision : 20.08.2015**

Jagdeep Bhatia

..... Petitioner

Versus

State of Haryana & another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Yash Dev Kaushik, Advocate
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

Ms. Ranjana Sharma, 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?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.134 dated 15.06.2014, under Sections 498-A and 406 IPC, registered at Police Station Sector 31, District Faridabad 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 17.07.2015 the following order was passed :-

"Reply filed by respondent No.2 is taken on record.

Respondent No.2 is present who submits that she will adhere to the terms of the compromise Annexure P.2 but she is apprehensive that if all the litigation comes to an end before 13.8.2015, which is the date fixed for second motion in the petition under Section 13-B of the Hindu Marriage Act, the petitioner may not retract from his consent regarding divorce. Criminal case fixed before the trial Court is for 1.8.2015. It is, therefore, directed that the parties shall make statements before that Court on 1.8.2015 regarding compromise. A report shall be made by trial Court after doing the needful as to whether the compromise is genuine and whether any of the accused/petitioners was declared proclaimed offender at any stage and whether or not any other criminal case is pending against the accused.

Direction to record statements before the trial Court should not be taken to be any acknowledgment of the compromise.

Report of the Magistrate is awaited for 20.8.2015.

However, aspect regarding quashing of the FIR under this petition shall be considered after the parties make their statements in the trial Court on 1.8.2015 and also make their statements on second motion under Section 13-B of the Hindu Marriage Act."

Thereafter, the report of the Judicial Magistrate 1st Class, Faridabad dated 11.08.2015 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 petitioner.

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

(AJAY TEWARI)
JUDGE

20.08.2015

Pooja Sharma-I