

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

**C.R.M-M No.9458-2015
Date of Decision : 29.09.2015**

Gurdev Singh and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.S.Kalra, Advocate
for the petitioners.

Mr.Ashok Singh Chaudhary, Addl. A.G., Haryana.

Mr. Bikram Singh, 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.65 dated 14.05.2007 registered under Sections 323, 324, 506, 34 IPC (Section 326 added lateron) at P.S. Siwan, District Kaithal and all consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 10.08.2015 the following order was passed:-

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

Learned counsel for the petitioner has pointed out that the dispute was between real brothers and originally also the matter was compromised and the parties had filed CRM-M No. 29855 of 2012 which was disposed of in the following terms:-

“Prayer in this petition is for quashing of FIR No. 65 dated 14.05.2007 under Sections 323, 324, 326, 506 read with Section 34 of the Indian Penal Code, registered at Police Station, Siwan, District Kaithal, and all the consequential proceedings arising therefrom, on the basis of compromise.

Learned counsel contends that trial of the instant case is at the advance stage as both the parties had led their evidence, therefore, he prays that he may be allowed to withdraw the present petition with permission to take all the pleas raised in this petition before the learned trial court.

Dismissed as withdrawn with the liberty aforesaid.

Learned trial court is directed to consider the factum of compromise between the private parties at the time of decision of the case in accordance with law”.

However, despite that the trial Court did not give any weight to the said compromise. In the circumstances let the parties now appear before the Appellate Court and get their statements recorded on 17.08.2015 which is stated to be the next date.

Matter is adjourned to 29.09.2015 to await the report of the Appellate Court.”

Thereafter, the report of the District and Sessions Judge, Kaithal dated 17.08.2015 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.

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.

(AJAY TEWARI)
JUDGE

29.09.2015

Pooja sharma-I