

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

C.R.M-M No.23885 of 2016 (O&M)

Date of Decision : 19.10.2016

Mubarik and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Surinder Dagar, Advocate
for the petitioners.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Karan Singh, Advocate for
respondents No.2 and 3.

AJAY TEWARI, J. (Oral)

On 12.08.2016 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.193 dated 13.04.2016 registered under Sections 342/365/34 IPC at Police Station Punhana, District Mewat 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.

Notice of motion.

Mr. Amrik Narwal, DAG, Haryana at the asking of the Court, accepts notice on behalf of respondent No.1.

Mr. Karan Singh, Advocate has entered appearance on behalf of respondents No.2 and 3.

Learned counsel for the petitioners undertakes to supply requisite copies of the petition to both the counsel during the course of the day.

To come up on 19.10.2016.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on the date fixed i.e. 09.09.2016 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.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Ferozepur Jhirka dated 20.09.2016 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. In the report it is mentioned that one Criminal Appeal No.CRA-S-2281-SB/2015 in case FIR No.140 dated 11.10.2011 registered at P.S.Hodal under Sections 364/377/384/328/120-B IPC and Section 25 of the Arms Act is pending against the accused persons namely Mubarik, Sabir, Salim and Sher Mohammad before this Court.

Learned Deputy Advocate General has also accepted this fact.

The 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.

19.10.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No