

CRM-M No.25043 of 2016 (O&M)

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273 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.25043 of 2016 (O&M)

Date of decision :04.10.2016

Aman @ Amandeep and another

..... Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. B.S.Saroha, Advocate for the petitioners.

Mr.Deepak Grewal, DAG, Haryana..

Mr.Rahul Vats, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR.

On 25.06.2016 the following order was passed:-

“ The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.281 dated 30.06.2016 registered under Sections 323, 324, 341, 256 & 34 IPC, at P.S. Safidon, District Jind, Haryana (Section 326 IPC is also likely to be added soon at present not in FIR) 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, Mr. Kuldeep Tiwari,

Additional Advocate General, Haryana, accepts notice on behalf of the respondent No.1.

Mr. Rahul Vats, Advocate has entered appearance on behalf of the respondent No.2.

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

To come up on 04.10.2016. Meanwhile, the parties are directed to be present before the Illaqa Magistrate on 01.09.2016 or on 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 and proclamation proceedings is pending against either of the parties before the next date of hearing.”

Thereafter, the report of Sub Divisional Judicial Magistrate ,Safidon, Jind dated 20.08.2016 has been received whereby he had mentioned that the parties had appeared before him and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. He has further reported that none of the accused have not been declared proclaimed offenders. Learned DAG has accepted this fact.

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 F.I.R. No.281 dated 30.06.2016 registered under Sections 323, 324, 341, 256 & 34 IPC, at P.S. Safidon, District Jind, Haryana (Section 326 IPC is also likely to be added soon at present not in FIR) and all other 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

04.10.2016
sunita

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No