

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

**Criminal Misc.No.M-26676 of 2016 (O&M)
Date of Decision : 18th October, 2016**

Shakuntla and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Manish Soni, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab
for the respondent(s)-State.

Mr. Suresh Kumar Kaushik, Advocate,
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.116 dated 19.03.2016, registered under Sections 406, 386, 506, 120-B IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989, at Police Station Khedki Daula, District Gurgaon and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 04.08.2016, the following order was passed:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.116 dated 19.03.2016 registered under Sections 406, 386, 506, 120-B IPC and Section 3 of the SC&ST Act, at Police Station Khedki Daula, District Gurgaon 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, Addl.A.G., Haryana, accepts notice on behalf of the respondent No.1.

Mr. Suresh Kr. Kaushik, Advocate has entered appearance on behalf of 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.

Learned counsel for the petitioners states that anticipatory may also be granted to the petitioner No.1 during the pendency of this case.

To come up on 18.10.2016. Meanwhile, the parties are directed to be present before the CJM/Illaq Magistrate on 08.09.2016 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.

In view of the bar, I direct that on the date when the parties would appear before the Court the petitioner No.1 shall move an application for regular bail which shall be decided by the Court on the same very date. Till such time the arrest of the petitioner No.1 shall remain stayed.”

Thereafter, the report of the Judicial Magistrate Ist Class, Gurgaon dated 29.09.2016 has been received. In the report, he has mentioned that the aforesaid parties have appeared before him and has attested to the fact that a compromise has indeed taken place and that the

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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 petitioners.

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

18th October, 2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No