

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

**C.R.M-M No.28740 of 2016 (O&M)
Date of Decision : 22.11.2016**

Sanjeev Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

AJAY TEWARI, J. (Oral)

On 22.08.2016 the following order was passed :-

“This is a petition, filed under Section 482, Cr.P.C., for quashing of FIR No.241, dated 05.10.2006, under Sections 148, 149, 323, 341 and 506, IPC, registered at Police Station, Nissing, District Karnal, on the basis of compromise (Annexure P-5).

Learned counsel for the petitioner at the outset states that in the second page i.e in the prayer clause of the petition it is wrongly mentioned as JMIC Hoshiarpur

whereas, it should be JMIC, Karnal. He is permitted to make the necessary correction in the said prayer clause.

Notice of motion.

Mr.Kuldeep Tiwari, Addl.AG, Haryana, on the asking of the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner undertakes to supply a copy of the petitioner to the learned Addl.AG during the course of the day.

Since the present petition is for quashing of FIR on the basis of compromise, the parties are directed to be present before the Illaqa Magistrate on 26.09.2016 or any other date convenient to the Court for recording their statements with regard to compromise. The Illaqa Magistrate is directed to record the statements of both the parties to his/her satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Illaqa Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not before the next date of hearing.

Adjourned to 22.11.2016 for awaiting the report of the trial Court.”

Thereafter, the report of the Civil Judge (Junior Division)-cum-Judicial Magistrate 1st Class, Karnal dated 30.09.2016 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.

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 petitioner.

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

22.11.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No