

**1. C.R.M-M No.33188 of 2016 (O&M)**

..... Petitioner

## Versus

..... Respondents

Rajiv Kumar

..... Petitioner

## Versus

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**  
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Present : Mr. J.S.Cooner, Advocate  
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Virender Kumar, Advocate  
for respondent No.2.

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**AJAY TEWARI, J. (Oral)**

This order shall dispose of the above mentioned two petitions.

The petition bearing No. **CRM-M-33188 of 2016** has been filed for quashing of the FIR No.77 dated 11.02.2013 registered under Sections 420/406 IPC at Police Station Baldev Nagar, Ambala along with all subsequent proceedings on the basis of compromise.

The petition bearing No. **CRM-M-33198 of 2016** has been filed *for quashing of impugned order dated 02.12.2013 passed by A.C.J.M. Ambala.*

On 19.09.2016 the following order was passed in CRM-M-33188 of 2016 :-

*“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.77 dated 11.02.2013, under Sections 420/406 IPC, registered at Police Station, Baldev Nagar, Ambala on the basis of compromise (Annexure P-2).*

*Notice of motion.*

*Mr.Amrik Narwal, DAG, 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 petition to the learned DAG during the course of the day.*

*Adjourned to 30.11.2016.*

*In the meantime, parties are directed to be present before the Illaqa Magistrate on 20.10.2016 or any other date convenient to the Magistrate for recording their statements with regard to compromise. The Illaqa Magistrate is directed to record the statements of both the parties to his 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.”*

The statement could not be recorded on behalf of the petitioner because he was abroad and he was never appeared. However, the

complainant alongwith his counsel Shri Virender Kumar, Advocate, who has been identified by Sh.Sarwan Kumar, ASI, is present in Court and states that he has no objection if the FIR is quashed.

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, both the petitions are allowed and the above said FIR, order declaring petitioner as proclaimed offender 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.

( **AJAY TEWARI** )  
**JUDGE**

**30.11.2016**

*Pooja sharma-I*

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No