

C.R.M-M No.35335 of 2016 (O&M)
Date of Decision : 19.12.2016

..... Petitioners

Versus

..... Respondents

Mr. Deepak Kundu, Advocate
for respondent No.2.

“Prayer in the present petition, filed under Section 482 of the Cr.P.C, is for quashing of FIR No.264, dated 22.07.2016, registered under Sections 323, 34, 427, 452, 506 of the IPC, at Police Station Tosham, District Bhiwani on the basis of a compromise, arrived at between the parties.

Notice of motion.

On the asking of the Court, Mr. Deepak Grewal, DAG Haryana accepts notice on behalf of respondent No.1. Counsel for the petitioners undertakes to hand him over a copy of the paper book during the course of the day.

Adjourned to 8.12.2016.

Meanwhile, the parties through their counsel are directed to appear before the Ilaqa Magistrate on 3.11.2016,

who will record their statements with regard to the compromise on the said date or on any other convenient date. The 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 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 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, Tosham dated 08.11.2016 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. Further as per report, respondent No.2-Balwan Singh had faced a criminal trial in FIR No.112 dated 05.06.2001, under Section 13 of the Gambling Act, Police Station Tosham, but the said case resulted into acquittal vide judgment dated 28.04.2003 passed by the Court of Special Judge Magistrate, Bhiwani.

Learned State counsel has 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.

19.12.2016
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No