

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

**C.R.M-M No. 38285 of 2015 (O&M)
Date of Decision : 26.07.2016**

Surender Choudhary and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ravi Malik, Advocate for
Mr. Dinesh Malik, Advocate
for the petitioners.

Mr. Amrik Narwal, DAG, Haryana.

Mr. H.N.Sahu, Advocate for
respondent No.2.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482
Cr.P.C. for quashing of F.I.R. No.447 dated 22.06.2015 registered under
Sections 420/467/468/471/120-B IPC, at Police Station Civil Lines
Karnal, District Karnal and all other consequential proceedings arising

therefrom on the basis of compromise (Annexure P-2) effected between the parties.

On 29.01.2016 the following order was passed :-

“Learned counsel for the private parties are ad idem that during the pendency of the investigation, a compromise (Annexure P-2) has been effected.

Adjourned to 11.04.2016.

The affected parties will appear before the Area Judicial Magistrate, Karnal, on 15.02.2016 for getting their respective statements recorded with regard to compromise and the said Court shall send the copies of the statements alongwith its detailed report in that regard to this Court, on or before the adjourned date.”

On 11.04.2016 the following order was passed :-

“Though a report has been received from the trial court pursuant to order dated January 29, 2016, learned State counsel submits that investigation in the case is still pending.

Same be completed at the earliest.

To come up on 26.07.2016.

A copy of the final report be placed on record.”

Thereafter, the report of the Chief Judicial Magistrate, Karnal dated 17.02.2016 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 petitioners.

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

July 26, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No