

CRM-M No.42546 of 2015 (O&M)

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256 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.42546 of 2015 (O&M)

Date of decision :08.09.2016

Amit Sharma

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Jitender Dhanda, Advocate for the petitioner.
Mr.Sandeep Vashisht, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 186 dated 18.04.2014, under Sections 380, 506 IPC, registered at Police Station, Central, District Faridabad on the basis of compromise (Annexure P-2). On 17.12.2015 the following order was passed:-

“Notice of motion for 16.02.2016.

In the meantime, parties are directed to appear before learned trial court and the trial Court, after recording

statements of the complainant/victims, shall send its report qua the genuineness of the compromise along with copies of the statements.”

Thereafter, the report of Judicial Magistrate 1st Class, Faridabad dated 10.08.2016 has been received whereby she had mentioned that the parties had appeared before her and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. She has further reported that no other case is pending between the parties except a cross-version. Learned DAG has accepted this fact.

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 FIR No. 186 dated 18.04.2014, under Sections 380, 506 IPC, registered at Police Station, Central, District Faridabad and all other 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.

(AJAY TEWARI)
JUDGE

September 08 , 2016
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No