

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.42837 of 2015 (O&M)
Date of Decision : 10.08.2016

Upin minor through his mother Nirmala
and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ashit Malik, Advocate for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

Mr. Surinder Dagar, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

On 11.01.2016 the following order was passed :-

“Prayer in this petition is for quashing of FIR No. 395 dated 7.9.2014, under Sections 420, 467, 468, 471, 506 and 120-B IPC, registered at Police Station Kharkhoda, District Sonapat (Annexure P-1) and all the proceedings subsequent arising thereto on the basis of compromise dated 14.12.2015 (Annexure P-2).

Notice of motion for 15.3.2016.

At this stage, Mr. V.K. Sheoran, Advocate for Mr. Surinder Dagar, Advocate has put in appearance on behalf of respondent No.2- complainant and filed power of attorney on his/her behalf, which is taken on record. He admits the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 20.1.2016.

The Illaqa Magistrate/Trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) number of persons arrayed as accused in FIR.*
- (ii) whether any accused is proclaimed offender.*
- (iii) whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

Thereafter, the report of the Judicial Magistrate First Class, Kharkhoda dated 26.02.2016 has been received whereby she has mentioned that the parties had appeared before her 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.

August 10, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No