

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

257

CRM-M-No.778-2019
Date of Decision : 21.2.2019

Sh. Niraj Kumar Nathani and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ketan Antil, Advocate for the petitioners.

Mr. Sushil Gautam, DAG, Haryana.

Mr. J.K. Sehrawat, Advocate for respondents No.2 and 3.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.433 dated 30.06.2018 under Sections 420 and 506 IPC, registered at Police Station Suraj Kund, Faridabad and all other consequent proceedings on the basis of compromise.

On 10.01.2019 the following order was passed :-

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.433 dated 30.06.2018 registered under Sections 420/506 IPC at Police Station Suraj Kund, Faridabad and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

On the asking of the Court, Ms. Harpreet Kaur, Assistant Advocate General, Haryana accepts notice on behalf of the respondent No.1-State. Mr. Manish Mehta, Advocate has entered appearance on

behalf of respondents No.2 & 3.

Learned counsel for the petitioners undertakes to supply two copies of the petition to the learned opposite counsel during the course of the day.

To come up on 21.02.2019.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 24.01.2019 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.”

Thereafter, the report of the Chief Judicial Magistrate, Faridabad dated 18.02.2019 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 with free will, without coercion and pressure and the compromise and the terms of the settlement are genuine. No accused is proclaimed offender in that case.

Learned State Counsel 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.

21.2.2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No