

C.R.M-M No.815-2019(O&M)
Date of Decision : 15.2.2019

Versus

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

No.1. Mr. Umesh Kumar Kanwar, Advocate has entered appearance on behalf of respondent No.2.

Counsel for the petitioners undertakes to supply a copy of the petition to the learned opposite counsel during the course of the day.

To come up on 15.02.2019. Meanwhile, the parties are directed to be present before the Illaqa Magistrate/trial court on 21.01.2019 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 Addl. Civil Judge (Sr. Divn.)-cum-Sub-Divisional Judicial Magistrate, Indri dated 24.1.2019 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 and that the compromise has been executed with their free consent and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

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 petitioner.

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

15.2.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No