

C.R.M-M No.1037 of 2019 (O&M)

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

293

**C.R.M-M No. 1037 of 2019 (O&M)
Date of Decision : 07.05.2019**

Manoj Kumar and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Janya Sirohi, Advocate for
Mr. Akshay Kumar Jindal, Advocate for the petitioners.
Mr. Surinder Singh, AAG, Haryana.
Mr. Gopal Soni, Advocate for respondent No.2.

AJAY TEWARI, J. (ORAL)

This petition has been filed for quashing of FIR No.111 dated 20.02.2017, registered under Sections 120-B, 148, 149, 323, 30, 427, 44, 454, 506 and 511 IPC at Police Station Khedki Daula, District Gurugram on the basis of compromise effected between the parties alongwith all consequential proceedings arising therefrom.

On 11.01.2019, the following order was passed:-

“ The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.111 dated 20.02.2017 registered under Sections 120-B, 148, 149, 323, 380, 427, 448, 454, 506, 511 IPC at Police Station Khedki Daula, District Gurugram (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

C.R.M-M No.1037 of 2019 (O&M)

-2-

On the asking of the Court, Ms. Harpreet Kaur, Assistant General, Haryana, accepts notice on behalf of respondent No.1. Mr. Gopal Soni, 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 09.04.2019. Meanwhile, the parties are directed to be present before the Illaqa Magistrate/trial court on fix date 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, report of the Judicial Magistrate Ist Class, Gurugram dated 05.04.2019 has been received. In the report, she has mentioned that a compromise has indeed taken place between the parties and that the compromise has been executed voluntarily and without any pressure.

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

C.R.M-M No.1037 of 2019 (O&M)

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 petitioners.

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

(AJAY TEWARI)
JUDGE

07.05.2019
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No