

265 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.1582 of 2019 (O&M)
Date of Decision : 25.03.2019

Rajinder Taneja

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Tarun Sharma, Advocate
for the petitioner.

Dr. Sushil Gautam, D.A.G., Haryana.

Mr. Mayur Karkara, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.487 dated 14.10.2018 under Sections 120-B/406/420/467/468/471 IPC at Police Station Pehowa, District Kurukshetra and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 16.01.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.487 dated 14.10.2018 registered under Sections 120-B/406/420/467/468/471 IPC, at Police Station Pehowa, District Kurukshetra and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

Mr. Himmat Singh, Deputy Advocate General, Haryana, at the asking of the Court, accepts notice on behalf of respondent No.1.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned D.A.G during the course of the day. Counsel for the petitioner undertakes to serve respondent No.2 by way of dasti process. May do so. Dasti only.

To come up on 06.03.2019.

Meanwhile, the parties are directed to be present before the Illaqa Magistrate on 06.02.2019 or 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 is pending against either of the parties or not before the next date of hearing.”

Thereafter, the report of the SDJM, Pehowa dated 07.02.2019 has been received wherein it has been mentioned that :-

“The parties stated that they have compromised the matter in present case. They further stated that they have voluntarily compromised the matter without any pressure, coercion etc. They further stated that no other case is pending against them.”

Learned Deputy Advocate General, Haryana 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.

(**AJAY TEWARI**)
JUDGE

25.03.2019

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No