

273 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.7755 of 2019 (O&M)
Date of Decision : 03.04.2019

Subhash Kumar & ors.

..... Petitioners

Versus

State of Haryana & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajendra Yadav, Advocate
for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

None for respondent No.2.

AJAY TEWARI, J. (Oral)

CRM-7424-2019

For the reasons recorded, the application is allowed. Document
Annexure P-4 is taken on record.

Main case

This petition has been filed under Section 482 Cr.P.C. for
quashing of FIR No.1024 dated 31.10.2017 under Sections
420/467/468/471/201/120-B IPC, at Police Station Saran, District Faridabad
and all other consequential proceedings arising therefrom on the basis of
compromise effected between the parties.

On 20.02.2019 the following order was passed :-

*“The present petition has been filed under Section 482
Cr.P.C. for quashing of FIR No.1024 dated 31.10.2017*

registered under Sections 420, 467, 468, 471, 201, 120-B IPC at Police Station Saran, District 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, Mr. Himmat Singh, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent No.1. Counsel for the petitioners undertakes to supply a copy of the petition to the learned D.A.G. during the course of the day.

Counsel for the petitioners further undertakes to serve respondent No.2 by way of dasti process. May do so. Dasti only.

To come up on 03.04.2019. Meanwhile, the parties are directed to be present before the C.J.M/Illaq Magistrate on 13.03.2019 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 Judicial Magistrate 1st Class, Faridabad dated 02.03.2019 has been received wherein it has been mentioned that :-

“.....I am satisfied that they have compromised the matter amongst themselves without any fear, coercion or inducement and that the compromise has been voluntarily arrived at between them.”

Learned State counsel on instructions from ASI Rajesh 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 petitioners.

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

03.04.2019

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

**(AJAY TEWARI)
JUDGE**

Yes/No
Yes/No