

261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.14114 of 2018 (O&M)
Date of Decision : 5.2.2019

Sombir Petitioner

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Baljeet Singh, 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.88 dated 26.2.2018, under Sections 427, 506, 34 IPC and Section 25 of the Arms Act registered at Police Station Beri, Tehsil and District Jhajjar on the basis of compromise and all other consequential proceedings arising therefrom.

On 13.8.2018 the following order was passed :-

“Service is complete.

Learned counsel for the petitioner submits that the matter has since been amicably settled on the basis of affidavit, copy of which has been placed on file as Annexure P-2.

Parties may appear before the trial Court on 14.09.2018 or on any other date convenient to the trial Court/Illaq Magistrate and get

their statements recorded with regard to the compromise. The original compromise shall be produced before the trial Court/Illaq Magistrate. In the event of their statements being recorded, the trial Court/Illaq Magistrate will send copies of the same to this Court with its report:

(i) regarding genuineness and voluntary nature of the compromise;

(ii) whether all the accused/petitioner are appearing before the Court or are on bail; and

(iii) whether any other proceeding is pending against the accused/petitioner.

Report of trial Court/Illaq Magistrate be awaited for 23.10.2018.”

Thereafter, the report of the Addl. Chief Judicial Magistrate, Jhajjar 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 effected with their free consent and without any fear, force or pressure from any side

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.

5.2.2019

anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No