

240 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.9698-2019 (O&M)
Date of Decision : 12.04.2019

INSUN Infrastructure Developers Pvt. Ltd. and others

..... Petitioners

Versus

State of Haryana & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: None for the petitioners.

Mr. Gaurav Bansal, Asst. AG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of cross case FIR No.0443 dated 08.06.2018 under Sections 120-B/406/420 IPC registered at Police Station Gurgaon Sadar, District Gurugram and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 01.03.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.0443 dated 8.6.2018 registered under Sections 120-B/406/420 IPC at Police Station Gurgaon Sadar, District Gurgaon 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, DAG, Haryana

accepts notice on behalf of the respondent No.1.

*Let the respondents No. 2 and 3 be served by way of **dasti** process.*

Counsel for the petitioners undertakes to supply requisite copies of the paper book to the learned DAG during the course of the day.

To come up on 12.4.2019. Meanwhile, the parties are directed to be present before the concerned CJM on 15.3.2019 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 Chief Judicial Magistrate, Gurugram dated 08.04.2019 has been received wherein it has been mentioned that :-

“ 3.With regard to the compromise between the parites, it is respectfully mentioned that in view of the statement of complainant company as well as accused persons, this Court is also satisfied that the matter has been voluntarily compromised between the accused persons and the complainant. Parties to the litigation have entered into the compromise out of thier own violation and same is without any pressure or coercion.”

Learned Assistant 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 petitioners.

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

12.04.2019

shabha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No