

261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.16153 of 2018 (O&M)
Date of Decision : 16.05.2019

Orane International Pvt. Ltd.

..... Petitioner

Versus

State of Haryana & ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Rohit Dheer, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. J.S.Bains, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0507 dated 27.05.2017 under Sections 417/420/465/468 IPC at Police Station Thanesar City, District Kurukshetra and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 26.02.2019 the following order was passed :-

“Learned DAG has fairly stated that there is no bar on a power of attorney of the complainant compromising the matter.

To come up on 11.04.2019.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 14.03.2019 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 Chief Judicial Magistrate, Kurukshetra dated 25.04.2019 has been received wherein it has been mentioned that :-

“In view of the statement of the parties, this court is satisfied that parties have voluntarily entered into the compromise which is in the interest of parties and would bring the harmony and peace between the parties. The said compromise/settlement is genuine and is not result of any pressure or coercion in any manner.”

Learned State counsel on instructions from Investigating Officer 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 petitioner.

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

16.05.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No