

**270 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.11275-2019 (O&M)
Date of Decision : 30.04.2019**

Sonia Gujral & anr.

..... Petitioners

Versus

State of Haryana & ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Harsh Bungler, Advocate
for the petitioners.

Mr. Surender Singh, AAG, Haryana.

Mr. Vivek Sethi, 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.126 dated 07.05.2016 under Sections 406/420, at Police Station DLF Phase-1, Gurgaon and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties and issuance of necessary direction/order for directing de-freezing of (i) Account No.04221000016980 of HDFC Bank, VC-1, Sector 1, Vaishali – 201012 (ii) Account No.05891540012789, Account Holder Manoj Kumar of HDFC Bank, Plot-K, Sector 2, IMT Manesar, Haryana-122050 (iii) Account No.65105010972, Account Holder Manoj

Kumar of SBI, East of Kailash, Delhi and (iv) Account No.650105012709, Account Holder Sonia Gujral, SBI, East Kailash New Delhi and any other bank account of the petitioners which may have been freezed/blocked by the Investigating Agency.

On 12.03.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.126 dated 7.5.2016 registered under Sections 406 and 420 IPC at Police Station DLF Phase-1, 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 Ms. Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the respondent No.1 and Mr. Vivek Sethi, Advocate has entered appearance on behalf of the respondents No.2 and 3.

Counsel for the petitioner undertakes to supply requisite copy of the paper book to the opposite parties during the course of the day.

To come up on 30.4.2019. Meanwhile, the parties are directed to be present before the Illaqa Magistrate/trial Court on 2.4.2019 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 JMIC, Gurugram dated 24.04.2019 has been received wherein it has been mentioned that :-

“a compromise has been voluntarily effected between the parties to my belief and the aforesaid compromise is genuine, voluntary and without any coercion or undue pressure and is an outcome of free consent of both the parties. As directed by the Hon'ble High Court, it is reported that as per the statement of IO no NBWs and proclamation have been issued against any of the accused.”

Learned State counsel on instructions from Investigating Officer has 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. It is also directed that the above mentioned account numbers be defreezed.

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

30.04.2019
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No