

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

277

C.R.M-M No.12988 of 2019 (O&M)
Date of Decision : 08.05.2019

Binder @ Ravinder Kumar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. J.S. Saneta, Advocate
for the petitioner.

Dr. Sushil Gautam, D.A.G., Haryana.

Mr. K.S. Dhanora, Advocate
for respondent No.2.

AJAY TEWARI, J. (ORAL)

This petition has been filed for quashing of FIR No.319 dated 23.05.2018, registered under Sections 427/436 IPC at P.S. Samalkha, District Panipat on the basis of compromise effected between the parties alongwith all consequential proceedings arising therefrom.

On 20.03.2019, the following order was passed:-

“ The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.319 dated 23.05.2018 registered under Sections 427/436 IPC at P.S. Samalkha, District Panipat 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, AAG, Haryana accepts notice on behalf of the respondent No.1.

Mr. K.S.Dhanora, Advocate has entered appearance on behalf of respondents No.2. Counsel for the petitioner undertakes to supply a copy of the petition to the learned opposite counsel during the course of the day.

To come up on 08.05.2019. Meanwhile, the parties are directed to be present before the Illaqa Magistrate on 03.04.2019 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 Sub Divisional Judicial Magistrate, Samalkha dated 02.05.2019 has been received. In the report, she has mentioned that the aforesaid parties have appeared before her and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

The Hon'ble 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

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.

May 08, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No