

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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C.R.M-M No.13661 of 2019 (O&M)
Date of Decision : 21.05.2019

Yogesh and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rakesh Nehra, Advocate
for the petitioners.

Mr. Surinder Singh, A.A.G., Haryana.

Mr. Atul Ravish, Advocate
for respondent No.2.

AJAY TEWARI, J. (ORAL)

This petition has been filed for quashing of FIR No.699 dated 29.10.2018, registered under Sections 307, 34 IPC and Sections 25, 54, 59 IPC at Police Station City Bahadurgarh, District Jhajjar on the basis of compromise effected between the parties alongwith all consequential proceedings arising therefrom.

On 26.03.2019, the following order was passed:-

“This petition has been filed for quashing of the FIR on

the basis of the compromise. Counsel for the petitioners states that though FIR has been lodged under Section 307 of the IPC yet it is no injury case. The dispute is between brothers and now they have settled the matter amicably.

Notice of motion. On the asking of the Court, Dr. Sushil Gautam, DAG Haryana accepts notice on behalf of respondent No.1. Mr. Atul Ravish, Advocate has put in appearance on behalf of respondent No.2. Counsel for the petitioners undertakes to hand them over copies of the paper book during the course of the day.

Meanwhile, the parties through their counsel are directed to appear before the Ilaqa Magistrate on 9.4.2019, who will record their statements with regard to the compromise on the said date or on any other convenient date. The Magistrate is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Magistrate is also directed to send a report, along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing.

Adjourned to 7.5.2019.

Copy of this order be handed over to learned DAG Haryana.”

Thereafter, the report of the Additional Civil Judge (Sr. Divn.)-cum-SDJM, Bahadurgarh dated 11.04.2019 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.

Learned Assistant Advocate General has stated that other cases are pending against the petitioners.

Counsel for the petitioners states that firstly this is a dispute between real brothers. He further states that out of 8 cases mentioned in the reply, case Nos.1, 2, 3, 4 and 8 have either ended into withdrawal/acquittal or quashment and in case Nos.6 and 7 they are facing trial. As regards case No.8, the same was also quashed and in that Section 307 IPC was also invoked and the State allowed that order to become final.

Learned Assistant Advocate General on instructions from Inspector Jai Karan has accepted these factual assertions and has also accepted that compromise has indeed taken place between the parties and that the same 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 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 alongwith 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.

May 21, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No