

C.R.M-M-19763 of 2019 (O&M)
C.R.M-M No.14442 of 2019 (O&M)
C.R.M-M No.14359 of 2019 (O&M)

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**209+264 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision : 27.5.2019

C.R.M-M No.14442 of 2019 (O&M)

Nitin alias Nikka and another Petitioners

Versus

State of Haryana and others Respondents

C.R.M-M-19763 of 2019 (O&M)

Jitender Petitioner

Versus

State of Haryana Respondent

C.R.M-M No.14359 of 2019 (O&M)

Nitin alias Nikka Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.S.Mor, Advocate
for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Narender Bhukal, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This common order shall dispose of abovementioned three petitions as they arise from the same FIR.

Petition bearing **C.R.M-M No.14442 of 2019** has been filed under Section 482 Cr.P.C. for quashing of FIR No.618 dated 3.9.2018 under Sections 323/324/506/34 IPC (Section 326 IPC added later on) registered at Police Station Sadar Bahadurgarh, District Jhajjar and all other consequential proceedings arising therefrom on the basis of compromise.

Petitions bearing **C.R.M-M-19763 of 2019** and **C.R.M-M No.14359 of 2019** have been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in the abovementioned FIR.

C.R.M-M No.14442 of 2019

“On 29.3.2019 the following order was passed :-

The present petition has been filed for quashing of FIR No.618 dated 03.09.2018 registered under Sections 323, 324, 506, 34 of IPC (Section 326 of IPC added later on) at Police Station Sadar Bahadurgarh, District Jhajjar and all subsequent proceedings arising therefrom, on the basis of compromise dated 08.03.2019, arrived at between the parties.

Notice of motion.

On asking of the Court, Mr. Vikas Malik, DAG, Haryana, accepts notice on behalf of respondent No.1-State. Mr. Narender Bhukal, Advocate, accepts notice on behalf of the complainant-respondent No.2.

Adjourned to 27.05.2019.

Let the parties now appear before the trial Court/Illaqa Magistrate on 10.04.2019 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court/Illaqa Magistrate 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 trial Court/Illaqa 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 criminal proceedings are pending against either of the parties or not, before the next date of hearing.”

Thereafter, the report of the JMIC 1st class Bahadurgarh dated 22.4.2019 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a compromise has indeed taken place between them and that the compromise has been effected with their free consent and without any coercion and pressure of any person and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

Learned Sr. DAG has accepted these facts.

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

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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 the petitioners.

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

C.R.M-M No.19763 of 2019 and
C.R.M-M No.14359 of 2019

In view of allowing of quashing petition bearing **C.R.M-M-14442 of 2019** these two petitions stand dismissed as infructuous.

Since the main cases have been dismissed as infructuous, the pending C.M. If any stands dismissed as infructuos.

27.5.2019

anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No