

256 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.30167 of 2018 (O&M)
Date of Decision : 25.03.2019

Ram Niwas

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Akshay Kumar Jindal, Advocate
for the petitioner.

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

None for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.400 dated 19.10.2013 under Sections 420/406/467/468/471/120-B IPC at Police Station Tauru District Mewat and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 04.02.2019 the following order was passed :-

“To come up on 25.03.2019.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 27.02.2019 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 Addl. Chief Judicial Magistrate, Nuh dated 27.02.2019 has been received wherein it has been mentioned that :-

“ It is submitted that matter has been settled between the parties amicable without any pressure or coercion. I satisfied with the statements by the parties are bonafide are not any result of any pressure or coercion and compromise effected between the parties is genuine and valid. As per the statement of the parties no criminal case or proclamation proceedings are pending against either of them.”

Learned Deputy Advocate General, Haryana 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 the petitioner.

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

25.03.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No