

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

**C.R.M-M No.30449-2018 (O&M)
Date of Decision : 19.3.2019**

Satish Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Shashi Kumar Yadav, Advocate
 for the petitioner.

Dr. Sushil Gautam, DAG, Haryana.

Mr. Atul Yadav, Advocate
for respondents No. 2 and 3.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.271 dated 15.5.2017, under Sections 287, 337, 338, 506 IPC and 79 of Juvenile Justice Act (JJ Act) registered at Police Station Mujesar, Faridabad and all other consequential proceedings arising therefrom on the basis of compromise.

On 20.7.2018 the following order was passed :-

*“Prayer in this petition is for quashing of the FIR
along with all consequential proceedings arising therefrom on*

the basis of compromise between the parties.

Notice of motion for 28.09.2018.

At this stage, Mr. Atul Yadav, Advocate has put in appearance on behalf of respondents No.2 and 3 and accepts the factum of compromise effected between the parties. Power of attorney filed on behalf of respondents No.2 and 3 is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 21.08.2018.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of the parties on or before the next date of hearing containing the following information as well:

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender; and,*
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

Thereafter on 10.12.2018 the following order was passed :-

“Learned counsel for the petitioner seeks an opportunity so as to get the statement of respondent No.3 recorded before the trial Court.

Respondent No.3 is directed to appear before the trial Court on 10.01.2019 and the trial Court is directed to record his statement and to send a supplementary report in terms of order dated July 20, 2018 passed by this Court.

Adjourned to 05.02.2019.”

Thereafter on 5.2.2019 the following order was passed :-

“As per Trial Court report respondent No.3 has

not appeared to get his statement recorded.

Counsel for the petitioner prays for one more opportunity. On request last opportunity is granted to the petitioner for recording the statement of respondent No.3 on 21.2.2019 or on any other date convenient to the Court for recording the statement with regard to compromise. Trial Court is directed to send its report regarding compromise before the next date of hearing i.e. 19.3.2019.”

Thereafter, the reports of the Judicial Magistrate 1st Class, Faridabad dated 3.10.2018 and the Civil Judge (Jr. Divn.), Faridabad dated 5.3.2019 have been received whereby they have mentioned that the parties had appeared before them and had attested to the fact that a compromise has indeed taken place between them and that the compromise is genuine and voluntary and without any coercion or undue influence and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

Learned DAG on instructions from HC Sham Lal 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 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 FIR No.271 dated 15.5.2017, under Sections 287, 337, 338, 506 IPC and 79 of Juvenile Justice Act (JJ Act) registered at Police Station Mujesar, Faridabad 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.

19.3.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No