

C.R.M-M No.36293 of 2018 (O&M)
Date of Decision : 14.01.2019

Versus

Parties may appear before the trial Court on 10.09.2018

or on any other date convenient to the trial Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the trial Court. In the event of their statements being recorded, the trial Court will send copies of the same to this Court with its report:

- (i) regarding genuineness and voluntary nature of the compromise;*
- (ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- (iii) whether any other proceeding is pending against the accused/petitioners.*

Report of trial Court be awaited for 15.10.2018.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Sultanpur Lodhi dated 12.09.2018 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 executed voluntarily and without any pressure, coercion or undue influence and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

Learned Deputy Advocate General 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 petitioners.

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

14.01.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No