

261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.41686-2018 (O&M)
Date of Decision : 20.3.2019

Jeevan Jot @ Jeeva and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : None for the petitioners.

Mr. Satish Saini, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.1079 dated 31.7.2018, under Sections 323, 506, 308 IPC, registered at Police Station Panipat City, District Panipat and all other consequential proceedings arising therefrom on the basis of compromise.

On 21.9.2018 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 17.12.2018.

At this stage, Mr. Vishal Yadav, Advocate has put in

appearance on behalf of respondent No.2 and accepts the factum of compromise effected between the parties. Power of attorney filed on behalf of respondent No.2 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 31.10.2018.

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 17.12.2018 the following order was passed :-

“Admittedly, respondent No.2-complainant-Abhinav is minor and the present petition has been filed against Abhinav through his father Ajay Pal Singh Ghangas, but there is no statement of Ajay Pal Singh Ghangas.

Learned counsel for the petitioners seeks one more opportunity to get the statement of Ajay Pal Singh Ghangas-father of respondent No.2 recorded in terms of order dated 21.09.2018 passed by this Court.

Accordingly, parties are directed to appear before the Illaqa Magistrate/trial Court on 21.01.2019 or any date convenient to the court for getting the statement of Ajay Pal Singh Ghangas recorded with regard to compromise, which the Illaqa Magistrate/trial Court shall record in terms of order dated

21.09.2018 passed by this Court.

The trial Court shall forward a supplementary report.

List on 20.03.2019.”

Thereafter, the reports of the Chief Judicial Magistrate, Panipat dated 3.11.2018 and 25.1.2019 have been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a genuine compromise has indeed taken place between them voluntarily, without any coercion or undue influence, with free will and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

Learned State Counsel 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 FIR No.1079

dated 31.7.2018, under Sections 323, 506, 308 IPC, registered at Police Station Panipat City, District Panipat 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.

20.3.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No