

C.R.M-M No.42296 of 2018 (O&M)
Date of Decision : 23.01.2019

Versus

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Mr. Amit Prashar, Advocate
for respondent No.2.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.303 dated 02.06.2016, under Sections 120-B/406/420/467/468/471/506 IPC, registered at Police Station Faridabad Central, District Faridabad on the basis of compromise.

On the asking of the Court, Mr. Raj Kumar Makkad, DAG, Haryana, has accepted notice on behalf of respondent(s)- State. Mr. Amit Prashar, Advocate, has appeared and filed power of attorney on behalf of respondent No.2. Copies of the paper book alongwith documents have been supplied to the said counsel.

Service is complete.

Learned counsel for the petitioners as well as learned counsel for respondent No.2 state that compromise has been effected between the parties.

List on 12.11.2018, for further proceedings.

Now the parties are directed to appear before the learned trial Court/Illaq Magistrate on 09.10.2018 and to get recorded their statements regarding compromise. The learned trial Court/Illaq Magistrate is directed to send the report regarding the genuineness of compromise on or before the date fixed.

A copy of this order be sent to learned trial Court/Illaq Magistrate, through fax, for compliance.”

Thereafter on 12.11.2018 the following order was passed :-

“Learned counsel for the petitioners submitted that petitioner No.2-Deepak Bhatia could not appear before the learned trial court due to some unavoidable circumstances and sought some more time.

List on 23.01.2019.

Meanwhile, petitioner No.2-Deepak Bhatia is directed to appear before the learned trial court/Illaq Magistrate on 03.12.2018 to get recorded their statements regarding compromise in terms of order dated 25.09.2018.”

Thereafter, the report of the Addl. Chief Judicial Magistrate, Faridabad dated 15.10.2018 and 08.12.2018 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 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 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.

23.01.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No