

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 253

Criminal Miscellaneous No.M-53291 of 2018 (O & M)
Date of Decision: April 22, 2019

Yogesh & others

..... PETITIONERS

VERSUS

State of Haryana & another

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

...

PRESENT: - Mr. Tapan Kumar Yadav, Advocate, for the petitioners.

Mr. Surinder Singh, Assistant Advocate General,
Haryana.

None for respondent No.2.

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AJAY TEWARI, J (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.184 dated 19.11.2018 under Sections 323, 427, 452, 506, 34 IPC registered at Police Station, DLF Phase – III, Gurgaon and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 03.12.2018 the following order was passed:-

“This is a petition under Section 482 Cr. P.C. for quashing of the FIR No. 184 dated 19.11.2018 under Sections 323, 427, 452, 506 read with Section 34 of the

Indian Penal Code, registered at Police Station DLF Phase III, Gurugram (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 26.11.2018 (Annexure P-2).

Notice of motion for 28.1.2019.

On the asking of the Court, Mr. Sandeep Vashisth, DAG, Haryana and Mr. Rishipal Singh, Advocate accept notice on behalf of respondents No. 1 and 2 respectively.

Let both the parties appear before the learned trial Court for getting their statements recorded which shall report regarding the fact that compromise effected between the parties is genuine and without any pressure.

The report of the trial Court be awaited for 28.1.2019.”

Thereafter, the report of the Chief Judicial Magistrate, Gurgaon dated 25.12.2018 has been received wherein it has been mentioned that:-

“With regard to the compromise between the parties, it is respectfully mentioned that in view of the statement of complainant as well as accused persons, this Court is also satisfied that the matter has been voluntarily compromised between the accused persons and the complainant. Parties to the litigation have entered into the compromise out of their own volition and same is without any pressure or coercion.”

Learned Senior Deputy Advocate General, Punjab, on instructions, has also accepted this fact.

The Supreme Court in **Gian Singh vs. State of Punjab & 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 petitioner.

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

April 22, 2019
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(Ajay Tewari)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No