

260 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.54103 of 2018 (O&M)
Date of Decision : 11.03.2019

Rajesh Kumar and others Petitioners

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. N.K.Malhotra, Advocate
for the petitioners.

Mr. Surender Singh, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.897 dated 24.12.2015 under Sections 420/467/468/471/120-B IPC registered at Police Station DLF, Qutab Enclave, Sector 29, Gurugram and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 07.12.2018 the following order was passed :-

“Notice of motion for 11.3.2019.

On the asking of this Court, Mr. Brijesh Sharma, AAG, Haryana, who is present in Court, accepts notice on behalf of the State. Learned counsel for the petitioner undertakes to supply a complete set of the paperbook to the learned State counsel during the course of the day.

Mr. Madan Sandhu, Advocate has appeared for respondent No.2 and filed his power of attorney which is taken on record.

In the meantime, parties are directed to appear before the learned trial court/Illaqa Magistrate on 10.1.2019 and to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate, is directed to send the report regarding the genuineness of compromise on or before the date fixed in the instant petition.

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

Thereafter, the report of the Judicial Magistrate First Class, Gurugram dated 30.01.2019 has been received wherein it has been mentioned that the matter has been settled between the parties amicably/voluntarily without any pressure or coercion. It is further submitted that no accused person has been declared Proclaimed offender in this case to this effect statement of investigating officer ASI Vinod Kumar recorded separately.

Learned State Counsel on instructions from ASI Vinod Kumar 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 pronouncements, 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.

11.03.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No