

261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.1108 of 2019 (O&M)
Date of Decision : 11.03.2019

Vikramjit Singh and another Petitioners

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : None for the petitioners.

Mr. Surender Singh, AAG, Haryana.

Mr. Jagjit Singh, Advocate
for the respondent No.3.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0008 dated 05.01.2018 under Sections 120-B/212/338/386/406/420/423/464/468 IPC registered at Police Station Hisar Civil Line, District Hisar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 14.01.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.0008 dated 05.01.2018 registered under Sections 120-B, 212, 338, 386, 406, 420, 423, 464 & 468 IPC at Police Station Hisar, Civil Line, District Hisar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

On the asking of the Court, Ms. Harpreet Kaur, Assistant

Advocate General, Haryana, accepts notice on behalf of respondent Nos.1 & 2.

Mr. Jagjit Singh Chatrath, Advocate has entered appearance on behalf of respondent No.3. Dasti to respondent No.4.

Counsel for the petitioners undertakes to supply a copy of the petition to the learned opposite counsel during the course of the day.

To come up on 11.03.2019. Meanwhile, the parties are directed to be present before the Illaqa Magistrate on 04.02.2019 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.”

Thereafter, the report of the Judicial Magistrate Ist Class, Hisar dated 04.02.2019 has been received wherein it has been mentioned that the compromise has been effected voluntarily and without any pressure and maintaining peace and relations. It is further submitted that none of the party has been declared proclaimed offender in any other case.

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 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
Whether Reportable :

Yes/No
Yes/No