

322 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.62064 of 2018 (O&M)
Date of Decision : 20.2.2019

Kailash Chand and another Petitioners

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : None 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.629 dated 9.10.2015, under Sections 323, 342 IPC 1860, registered at Police Station Bilaspur, District Gurgaon and all consequential proceedings on the basis of compromise.

On 21.12.2018 the following order was passed :-

Learned counsel for the petitioner contends that the parties have been effected compromise.

Notice of motion.

Mr. Ramesh Kumar Ambavta, AAG, Haryana accepts notice on behalf of the State. Copy of the petition be supplied to State counsel during course of the day.

Let both the parties appear before the learned Illaqa Magistrate concerned 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 learned Illaqa Magistrate be awaited for 19.02.2019.

Thereafter, the report of the Judicial Magistrate First Class, Gurugram dated 10.1.2019 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 voluntarily and the complainant has entered into a settlement/agreement with the accused persons out of her own volition and same is without any influence or coercion.

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.

20.2.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No