

224

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.10763 of 2015
Date of Decision: 15.07.2015

Roshan Lal and Others

.....Petitioners

Vs

State of Punjab and Others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Onkar Singh, Advocate
for the petitioners.

Mr. Varun Sharma, AAG, Punjab

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of criminal complaint No.04/2011 dated 15.01.2011, summoning order dated 14.05.2013 passed by Judicial Magistrate, Ist Class, Mukerian and subsequent proceedings arising therefrom, on the basis of compromise.

The complaint was filed under Sections 307, 354, 325, 326, 148, 149 IPC. Trial Court vide order dated 14.05.2013, summoned the accused to face trial under Sections 452, 325, 354, 323, 506, 148 read with Section 149 IPC.

Vide order dated 06.04.2015 which was modified

subsequently on 29.04.2015 passed by this Court, parties were directed to appear before Judicial Magistrate Ist Class, Mukerian to get their statements recorded.

In compliance to aforesaid orders, parties have appeared before the Sub-Divisional Judicial Magistrate (Duty), Mukerian on 07.05.2015 wherein statements of complainants Sangeeta Devi and Sadhu Ram were recorded from the side of the complainant. Statements of Roshan Lal, Rakesh Kumar, Rajinder Kumar, Desraj, Mehar Chand, Ravi Kumar and Kishan Chand were recorded from the side of accused party. Veracity and genuineness of the compromise was judged by the Sub-Divisional Judicial Magistrate, Mukerian, who formed an opinion that the grievances have been amicably settled between the parties by way of compromise which is without any coercion or undue influence. Compromise is voluntary in nature. Sub-Divisional Judicial Magistrate, Mukerian submitted his report dated 07.05.2015 in the above said context.

The disposal of present case on the basis of compromise duly satisfies the parameters given in **Gian Singh v. State of Punjab and another, 2012(4) RCR (Criminal) 543.**

This Court is of the opinion that offence is private in nature and not against the whole society. Appeal against conviction is pending. In **Gian Singh's case** (*supra*), the Hon'ble Supreme Court has discussed in detail the inherent powers of the High Court in quashing criminal proceedings 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 the society.

The State on notice, however, objects to the aforesaid course, but in order to prevent unnecessary continuation of criminal proceedings on the ground that both the parties have settled their dispute of private nature, this Court is of the opinion that it would be in fitness of things to quash the proceedings on the basis of compromise.

Resultantly, criminal complaint No.04/2011 dated 15.01.2011, summoning order dated 14.05.2013, passed by Judicial Magistrate Ist Class, Mukerian and all the subsequent proceedings arising therefrom, are quashed.

July 15, 2015
SwarnjitS

(RAJ MOHAN SINGH)
JUDGE