

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

KUMAR MANOJ
20/05/2017 10:41
I attest to the accuracy and
integrity of this document

CRM-M- 14003 of 2013 (O&M)

Date of Order: 01.10.2015

Balwinder Singh and Anr.

....Petitioners

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Shakti Bhardwaj, Advocate for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Padamkant Dwivedi, Advocate for respondent Nos.2 & 3.

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?

AJAY TEWARI, J (ORAL)

Prayer is for quashing the order dated 22.04.2013 passed by learned Addl. Sessions Judge, Ferozepur whereby the application filed by the petitioners seeking permission to compound the offence under Sections 325,323,34 IPC on the basis of compromise (P.3) has been dismissed.

On 05.05.2015, the following order was passed by this Court:

“Learned counsel for the parties state that another opportunity may be granted to them to appear before the trial court for recording their statements on account of compromise effected between the parties.

Adjourned to 18.09.2015.

In the meanwhile, parties are directed to appear before the trial Court on 29.05.2015, to record their statements regarding the factum of compromise and ensure that the same is genuine, voluntary and without any threat, coercion or pressure.

However, the original compromise bearing the signatures of all the petitioners and respondent No. 2 and 3 be also produced before the trial Court.

The trial Court shall send its report regarding genuineness of compromise and also the terms of settlement along with copies of the statements of the parties and the compromise before the next date.”

Thereafter, the report of the Judicial Magistrate, Ist Class, Ferozepur dated 01.07.2015 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 and that the compromise has been executed voluntarily and without any pressure.

The Hon'ble 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 order dated 22.04.2013 passed by learned Addl. Sessions Judge, Ferozepur is set Aside.

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

October 01, 2015
manoj

(AJAY TEWARI)
JUDGE