

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14277 of 2013 (O&M)
Date of Decision:16.01.2015

Gaurav Sekhri and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI.

Present: Mr. M.S.Sachdev, Advocate for the petitioners.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

- i)Whether Reporters of local papers may be allowed to see the judgment?
- ii)To be referred to the Reporters or not?
- iii)Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.99 dated 02.07.2010 registered under Sections 406, 498-A IPC at Police Station Division No.1 Jalandhar, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition.

On 23.05.2013 the following order was passed:-

“Notice of motion, returnable for 11.07.2013.

In the meanwhile, the parties are directed to appear before the Illaqa Magistrate on 08.06.2013 for getting their statements recorded in support of the compromise.

The report in this regard be sent by the court

concerned on or before the date fixed.”

Thereafter, the report of the Judicial Magistrate 1st Class, Jalandhar dated 08.05.2014 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 the above said FIR and all consequential proceedings arising therefrom are quashed qua petitioners.

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

16.01.2015

Mohan/prince

(AJAY TEWARI)
JUDGE