

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

C.R.M-M No.11760-2015

Date of Decision : 14.09.2015

Kulwinder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ashwani Kumar Dhingra, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. P.S.Miglani, Advocate
for respondent No.2.

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)

On 20.04.2015 the following order was passed :-

“Prayer in this petition is for quashing of FIR No.22 dated 18.03.2010, registered under Sections 498-A, 406, 323, 34, 120-B IPC, at Police Station Jourkian, District Mansa, on the basis of compromise. Notice of motion for 28.05.2015.”

On 06.07.2015 the following order was passed:-

“Mr. P.S. Miglani, Advocate appears on behalf of respondent No.2.

Adjourned to 14.09.2015.

In the meanwhile, parties are directed to appear before the trial Court/Illaqa Magistrate on 22.07.2015 and the trial Court/Illaqa Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise vis-a-vis number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.”

Thereafter, the report of the Judicial Magistrate 1st Class, Gidderbaha dated 01.08.2015 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 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.

14.09.2015

Pooja sharma-I

(AJAY TEWARI)
JUDGE