

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.13110 of 2015 (O&M)

Date of decision :03.11.2015

Ashwani Kumar and another

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Davinder Bir Singh, Advocate for the petitioners.

Mr.Ashish Sanghi, DAG, Punjab

Mr.Harjinder Singh Mavi, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No.48 dated 01.09.2011, under Sections 307, 336, 148, 149 and 506 IPC and Section 24, 54, 27, 59 of Arms Act, registered at Police Station Daresi, District Ludhiana on the basis of compromise.

On 28.08.2015 the following order was passed:-

“ This is a petition for quashing of FIR on the basis of compromise.

Learned counsel for the petitioners has argued that present is the case under Section 326 IPC because the alleged gun shot injury is on the knee and, therefore, the compromise is not impermissible in law.

Learned Assistant Advocate General has accepted that the solitary injury is gun shot injury on the knee. He has, however, argued that petitioners are proclaimed offenders.

At the present, I deem it appropriate to direct the complainant to first appear before the Illaqa Magistrate to record his statement on 9.9.2015. In case the complainant appears and records his statement in support of the compromise, then the petitioners are also directed to appear before the Illaqa Magistrate on 16.9.2015. On their appearance, the Illaqa Magistrate shall release them on interim bail. Report be sent to this Court before the next date of hearing when the issues raised

by the State would be considered.
Adjourned to 3.11.2015.”

Thereafter, the report of the Judicial Magistrate 1st Class, Ludhiana dated 30.10.2015 has been received whereby she had mentioned that the parties had appeared before her and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. Learned DAG has accepted this fact.

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 FIR No.48 dated 01.09.2011, under Sections 307, 336, 148, 149 and 506 IPC and Section 24, 54, 27, 59 of Arms Act, registered at Police Station Daresi, District Ludhiana and all other 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.

(AJAY TEWARI)

JUDGE

November 03, 2015

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