

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-13151 of 2015

Date of Decision: 01.09.2015

Anil Kumar alias Nikku and Others

... Petitioners)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Ajay Tewari.

Present: Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner(s).

Mr. Ashish Sanghi, Deputy Advocate
General, Punjab for respondent No.1.

Mr. Manpreet Singh Sawhney, Advocate
for respondent No.2.

Ajay Tewari, J.

This petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No. 33 dated 18.3.2014, registered under Sections 452, 323, 379, 506, 148 & 149 IPC at Police Station "E" Division, District Amritsar along with all the consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 9.7.2015, the following order was passed:

"Mr. Sawhney has appeared and filed his Power of Attorney on behalf of respondent No.2. He admits the factum of compromise. Accordingly, the parties shall

appear before the trial Court/Area Magistrate on 22.07.2015 for getting their statements recorded with regard to the compromise arrived at between them. The learned trial court/ Area Magistrate, after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will send his/her report upto the date fixed by this court. The Magistrate shall also report about the names and number of the accused involved and whether anyone out of them has been declared proclaimed offender in the present FIR.

List on 01.09.2015."

Thereafter, the report of the Additional Chief Judicial Magistrate, Ludhiana dated 13.8.2015 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 petitioners.

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

(Ajay Tewari)
Judge

September 1, 2015
"DK"