

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

**C.R.M-M No. 13447-2015
Date of Decision : 18.12.2015**

Ashwani Kumar @ Bunty and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Manuj Nagrath, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

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)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.32 dated 21.03.2015 registered under Sections 452/323/377/511/427/328/380/148/149 IPC at Police Station Division No.4, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 31.08.2015 the following order was passed :-

“Learned Deputy Advocate General has pointed out that apart from the complainant, there are two other injured and if the petitioners entered into a compromise with them,

the State would have no objection because even though there is any allegation under Section 377 IPC yet, it is tempered by the fact that Section 511 IPC has been added to it and there is no medical record.

Learned counsel for the petitioners submits that the petitioners would implead the other two injured also.

Adjourned to 10.9.2015.”

On 08.10.2015 the following order was passed :-

CRM-33264-2015

For the reasons recorded, application is allowed. Amended memo of parties and annexure P-4 to P-8 is taken on record.

CRM-M-13447-2015

Learned Assistant Advocate General seeks time to respond.

To come up on 18.12.2015.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on the date fixed i.e. 18.11.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the next date of hearing.”

Learned counsel for the petitioners states that one of those injured had died and the other one has been impleaded and statement has been recorded.

Thereafter, the report of the Chief Judicial Magistrate, Jalandhar dated 08.12.2015 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.

Learned Deputy Advocate General has also accepted this fact.

It is true that one more case is pending against the petitioner No.2 but learned counsel for the petitioners states that the complainant in that case is Dr.Kashmir Singh Rana whereas the complainant in this case is Bharat Bahadur. These two cases are unrelated.

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.

December 18, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**