

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

CRM-M No.13668 of 2014 (O&M)

Date of decision :12.01.2015

Sukhwant Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.TPS Makkar, Advocate

for the petitioners.

Mr.APS Gill, AAG, Punjab.

Mr.Manreet Singh Sidhu, Advocate

for respondent No.2.

AJAY TEWARI, J. (Oral)

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

On 23.04.2014 the following order was passed:-

“ Through the present petition, the petitioner has prayed for quashing of FIR No. 116 dated 16.7.2008 for offence under Sections 452, 324 read with Section 34 of the Indian Penal Code, registered at Police Station, Sadar Malout, District Sri Muktsar Sahib on the basis of compromise (Annexure P-2).

Notice of motion for 11.8.2014.

Parties are directed to appear before the trial Court/Illaq Magistrate on 27.5.2014 for recording their statements with regard to compromise/settlement.

The trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the

following information:-

- (1) number of persons arrayed as accused
- (2) whether any accused is P.O.
- (3) Whether the compromise is genuine, voluntary and without any coercion or undue influence.”

Thereafter, the report of the Judicial Magistrate 1st Class, Malout dated 09.06.2014 has been received whereby he had mentioned that the parties had appeared before him 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. He has further intimated that one of the accused has since died and proceedings against him have already been abated. He has further informed that no accused has been declared proclaimed offender in this case. Learned AAG 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. 116 dated 16.7.2008 for offence under Sections 452, 324 read with Section 34 of the Indian Penal Code, registered at Police Station, Sadar Malout, District Sri Muktsar Sahib and all other proceedings arising therefrom are quashed qua the petitioner.

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

(AJAY TEWARI)
JUDGE

January 12, 2015

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