

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-13918 of 2015

Date of Decision: 10.09.2015

Surjit Singh

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Ajay Tewari.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Sandeep Arora, Advocate
for the petitioner(s).

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

Ajay Tewari, J.

By filing this petition, the petitioner has prayed for quashing FIR No. 233 dated 21.11.2005, registered under Section 420 IPC at Police Station Mukerian, Hoshiarpur on the basis of compromise and for setting aside the order declaring the petitioner to be a Proclaimed Offender.

Taking the second prayer first, the contention of learned counsel for the petitioner is that the offence committed by the petitioner does not fall within the ambit of Section 482(4) Cr.P.C. He has relied upon a judgment rendered by this Court in ***Satinder Singh v. The***

State of U.T.Chandigarh and Another 2011(2) RCR (Criminal)

89, wherein it was held as under:-

"The only contention raised by learned counsel for the petitioner is that the Magistrate could not have declared the petitioner as proclaimed offender as he is not accused of any of offences specified under sub section 4 of Section 82 Cr.P.C. and as such he could be declared proclaimed offender. So far as the order declaring the petitioner otherwise as proclaimed offender is concerned, the same is in contravention to sub section 4 Section 82 Cr.P.C and thus liable to be quashed."

Learned Deputy Advocate General is not in a position to cite any contrary judgment.

In the circumstances, order dated 15.3.2012 (Annexure P2) is set aside.

Now coming to the matter of compromise, it is the contention of learned counsel for the petitioner that wife of the petitioner was tried and convicted but during appeal matter was compromised and she was acquitted of the charges after the parties were allowed to compound the offence. At that time, the complainant had made a statement before the Court that he has compromised the matter with the petitioner and his wife. Therefore, the present FIR should be quashed against the petitioner as well.

Learned Deputy Advocate General has fairly accepted the fact that at the time when the statement of the complainant was

recorded, he has stated that he has compromised the matter with the petitioner as well.

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.

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

(Ajay Tewari)
Judge

September 10, 2015

"DK"