

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M- 14079 of 2015 (O&M)

Date of Order: 28.09.2015

Ashok Kumar and Ors.

....Petitioners

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. A.P.S Tung, Advocate for the petitioners.

Mrs. Amarjeet Kaur Khurana, Addl.A.G, Punjab.

AJAY TEWARI, J (ORAL)

On 01.05.2015 the following order was passed:-

“Notice of motion for 28.9.2015.

Meanwhile, parties are directed to be present before the learned trial Court/Illaq Magistrate on 27.5.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not a result of any pressure or coercion in any manner. It shall send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not, before the next date of hearing.”

Thereafter, the report of the Judicial Magistrate 1st Class (Duty),

Ludhiana dated 17.06.2015 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 the petitioners.

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

September 28, 2015
manoj

(AJAY TEWARI)
JUDGE