

C.R.M-M No.14929-2015
Date of Decision : 17.12.2015

..... Petitioners

..... Respondents

Mr. S.S.Chahal, Advocate
for respondent No.2.

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)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 94 dated 13.08.2014, under Sections 498/A, 406 IPC, registered at Police Station City-2, Mansa, District Mansa and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties on the basis of compromise.

On 06.11.2015 the following order was passed :-

“Mr. Raghbir Singh, Senior Superintendent of Police, Mansa has come present in Court and filed status report by way of his affidavit. The same is taken on record.

As per the Status Report, the facts were not projected before this Court on the last date but the cancellation report was approved by the then Deputy Superintendent of Police, Mansa on 18.6.2015, which was further approved by the then Senior Superintendent of Police, Mansa and had been further sent for filing in the Court on 1.8.2015, which is now fixed for 17.11.2015. The explanation of the Senior Superintendent of Police is accepted.

Let the parties are directed to appear before the trial Court on 17.11.2015 and record their statements. Their statements in respect to the compromise shall be recorded on the said date or any other date subject to the convenience of the trial Court. Report be submitted by the learned trial Court in regard to the genuineness of the compromise, whether it has been entered into out of free will and volition of the parties, without any fear, apprehension, undue influence or coercion. It should also be informed whether the petitioners are proclaimed offenders. Any other case pending against the petitioners should also be noted.

For awaiting report, adjourned to 17.12.2015.”

Thereafter, the report of the Chief Judicial Magistrate, Mansa dated 26.11.2015 has been received whereby she has mentioned that the parties had appeared before her 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.

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 17, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**