

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

**CRM-M No. 15269 of 2015 (O&M)**

**Date of decision :28.11.2015**

**Mangat Rai & others**

**..... Petitioners**

**Versus**

**State of Punjab and another**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

Present: Mr.Vivek Goel, Advocate for the petitioners.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

Mr.Nitin Rampal, Advocate for respondent No.2.

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**AJAY TEWARI, J. (Oral)**

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

At the very outset learned counsel for the petitioners states that one of the accused in this case namely Gagandep Singh is a proclaimed offender and he has not filed this petition on his behalf.

On 28.09.2015 the following order was passed:-

*“ The present petition has been filed under Section 482 Cr.P.C for quashing FIR No. 386 dated 27.11.2007 under Sections 452/324/323/148/149 of the Indian Penal Code (Sections 326 and 450 added later on) registered at Police Station Baghapurana, District Moga and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition.*

*Adjourned to 28.11.2015.*

*In the meantime, the parties are directed to be present before the trial Court/Illaqia Magistrate on 28.10.2015 or on 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."*

Thereafter, the report of the Sub Divisional Judicial Magistrate, Baghapurana dated 05.11.2015 has been received whereby he had mentioned that the parties(except accused Gagandeep Singh 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 reported that as per the report of the SHO, Police Station Baghapurana there are more cases pending against the accused-petitioners and has detailed them in his report. Learned Addl.AG has accepted this fact. To this learned counsel for the petitioners has argued that those case are all unrelated and have no connection with the present FIR.

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 FIR No. 386 dated 27.11.2007 under Sections 452/324/323/148/149 of the Indian Penal Code (Sections 326 and 450 added later on) registered at Police

Station Baghapurana, District Moga and all other proceedings arising therefrom are quashed qua the petitioners. However, quashing of the present FIR shall have no effect on the pendency of other criminal cases pending against the petitioners.

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

**(AJAY TEWARI)**

**JUDGE**

**November 28 , 2015**

*sunita*