

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

**C.R.M-M No.1538 of 2014 (O&M)
Date of Decision : 30.10.2015**

Paramjit Singh Walia and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.S. Ghuman, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Mr. S.K. Bawa, 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 petition has been filed for quashing of FIR No.78 dated 20.04.2008 registered under Sections 336, 324, 323 IPC and Sections 25, 54, 27, 59 of the Arms Act, at Police Station Goraya, District Jalandhar alongwith all consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 10.07.2015 the following order was passed:-

*“Report of Judicial Magistrate First Class, Phillaur has
been received.*

It has been pointed out by learned State Counsel that this petition was filed by petitioner/accused-Balbir Singh through his General Power of Attorney – brother (petitioner No.1-Paramjit Singh Walia). Petitioner-accused Balbir Singh is a proclaimed offender and he has not appeared before learned trial Court till date.

Learned counsel for the petitioner requests for an adjournment for appearance of the petitioner/accused, posted to 15.09.2015.”

Thereafter on 25.08.2015 the following order was passed:-

“This is an application for staying the arrest of petitioner No.3. Counsel for the petitioners has argued that arrest of similarly situated proclaimed co-accused was stayed to enable him to appear before the Illaqa Magistrate and make the statement.

Counsel for the State of Punjab has accepted this factual assertion.

Consequently, this application is allowed and arrest of petitioner No.3 is stayed. He is directed to appear before the Illaqa Magistrate to record his statement.

Adjourned to 30.10.2015 to await the report.”

Thereafter, the report of the Judicial Magistrate Ist Class, Phillaur dated 09.10.2015 has been received whereby he has mentioned that petitioner NO.3 had appeared before him as per the direction of this Court.

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 petitioners.

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

October 30, 2015

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**(AJAY TEWARI)
JUDGE**