

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No. 15913-2015 (O&M)
Date of Decision : 08.09.2015

Harinder Singh and others

..... Petitioners

Versus

U.T., Chandigarh & another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sanjay Joshi, Advocate for
Mr. Deepak Arora, Advocate
for the petitioners.

Ms. Ashima Mor, Standing Counsel
for U.T., Chandigarh.

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)

The present petition has been filed under Section 482
Cr.P.C. for quashing of F.I.R. No.328 dated 12.06.2013 registered
under Sections 420, 467, 468, 471 IPC at Police Station Sector 34,
Chandigarh.

On 15.05.2015 the following order was passed:-

"CRM No. 16113 of 2015

Allowed, as prayed for.

CRM No. 15913 of 2015

Notice of motion for 08.09.2015. Parties will be at liberty to move application before the Illaqa Magistrate/trial Court to get their statements recorded with regard to genuineness of compromise. On doing so, the Illaqa Magistrate/trial Court will record their statements with regard to the compromise on the date already fixed or some other date to be fixed by it and submit report to this Court by the next date by specifically stating whether the compromise is genuine and also state about the status/stage of the case. The Court shall also mention whether any of the accused is proclaimed offender and quashing sought is by all the accused. "

Thereafter, the report of the Judicial Magistrate 1st Class, Chandigarh dated 08.06.2015 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.

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.

08.09.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**