

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

**C.R.M-M No. 16027-2015
Date of Decision : 21.12.2015**

Ashwani Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : None for the petitioner.

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

None for the complainant.

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.173 dated 21.11.2012 registered under Sections 406, 498-A IPC, at Police Station City Samana, District Patiala and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 28.10.2015 the following order was passed :-

“The parties through their counsel are directed to appear before the trial Court on the date fixed i.e 9.12.2015, who will record their statements with regard to the compromise on the said date or on any other convenient date. The trial 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 trial Court is also directed to 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.

Adjourned to 21.12.2015.”

Thereafter, the report of the Judicial Magistrate 1st Class, Samana dated 10.12.2015 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.

Learned Additional Advocate General, on instructions from ASI Mewa Singh, Police Station City Samana 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 petitioner.

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

December 21, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**