

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.1627-2015 (O&M)
Date of Decision : 20.08.2015

Salwinder Singh & others

..... Petitioners

Versus

State of Punjab & others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. G.S.Sirphikhi, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

None for respondents No.2 and 3.

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)

On 16.01.2015 the following order was passed:-

"This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.127 dated 25.10.2013, under Sections 326, 324, 323, 34 IPC, registered at Police Station, Sri Hargobindpur, Batala, Gurdaspur on the basis of compromise.

Notice of motion.

Ms.Amarjit Kaur Khurana, Addl. AG, Punjab, on the asking of the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned Addl.AG during the course of the day.

Since the present petition is for quashing of FIR on the basis of compromise , the parties are directed to be present before the trial Court on 29.01.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court is directed to record the statements of both the parties to his 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 criminal proceedings are pending against either of the parties or not before the next date of hearing.

Adjourned to 01.05.2015 for awaiting the report of the trial Court."

Thereafter, the report of the Judicial Magistrate Ist Class, Batala dated 21.02.2015 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.

20.08.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**