

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-16281 of 2015

Date of Decision: 01.09.2015

Gurpreet Singh and Others

... Petitioners)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Ajay Tewari.

Present: Mr. Ramneek Vasudeva, Advocate
for the petitioner(s).

Mr. Ashish Sanghi, Deputy Advocate
General, Punjab for respondent No.1.

Mr. J.S.Lalli, Advocate
for respondents No.2 and 3.

Ajay Tewari, J.

This petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No. 209 dated 19.11.2010, registered under Sections 452, 323, 506, 148 & 149 IPC at Police Station Morinda, District Rupnagar along with all the consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 18.5.2015, the following order was passed:

"Notice of motion.

*State counsel, who is present in Court, accepts
notice on behalf of respondent No. 1 while Mr. J.S. Lalli,
Advocate, accepts notice on behalf of respondents No. 2*

and 3 and files vakalatnama. They seek time to argue the matter.

Copy of the petition be supplied to counsel for the opposite side by counsel for the petitioners during the course of the day.

The parties are directed to appear before the trial Court on 13.07.2015 and the trial Court shall record their statements along with opinion about the genuineness of the compromise. A report shall be made after doing the needful with further report as to whether any of the accused/petitioners was declared proclaimed offender at any stage and whether or not any other criminal case is pending against the accused, i.e. the petitioners. Petitioner No. 5 is stated to have been declared proclaimed offender on 16.03.2015 whereas the compromise took place on 20.03.2015.

Petitioner No. 5 also to appear before the trial Court on 13.07.2015 and his request for bail shall be considered by the trial Court. Meanwhile, petitioner No. 5 shall not be arrested.

Report of the Court below is awaited for 01.09.2015. .”

Thereafter, the report of the Judicial Magistrate Ist Class, Rupnagar dated 30.7.2015 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.

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.

(Ajay Tewari)
Judge

September 1, 2015
"DK"