

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

C.R.M-M No.16387 of 2014(O&M)

Date of Decision : 05.02.2015

Beant Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gurdeep Singh, Advocate for
Mr. Balkaran Singh, Advocate
for the petitioners.

Mr. APS Gill, AAG, Punjab.

Ms. Anju Bansal, Advocate for
Mr. Nakul Sharma, 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.206 dated 22.12.2013 registered under Sections 307, 498-A, 406, 120-B IPC at Police Station City South Moga and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 19.08.2014 the following order was passed:-

“Learned counsel state that due to some circumstances beyond their control the parties could not appear before the Chief Judicial Magistrate,

Moga on 28.07.2014 and prays for one more date to appear there.

Let the parties now appear before the Chief Judicial Magistrate, Moga on 08.09.2014 or any other date convenient to the Magistrate for recording their statements with regard to compromise. The Chief Judicial Magistrate 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 Chief Judicial Magistrate 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 28.11.2014.”

On 19.08.2014 the following order was passed:-

“On the request of the learned counsel for the petitioners, adjourned to 5.2.2015.”

Thereafter, the report of the Chief Judicial Magistrate, Moga 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.

February 05, 2015

Naveen

**(AJAY TEWARI)
JUDGE**