

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

C.R.M-M No.17352-2015

Date of decision :20.10.2015

Badal Sharma and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. B.D.Sharma, Advocate
for the petitioners.

Mr. A.P.S.Gill, Assistant Advocate General, Punjab.

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 is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.40 dated 16.05.2011 registered under Sections 323/324/325/326/148/149 IPC at Police Station Bhindi Sedan, District Amritsar Rural on the basis of compromise.

On 25.05.2015 the following order was passed:-

“Notice of motion to the Advocate General, Punjab, as well as, respondent nos.2 to 6, for 17.09.2015.

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

Illaq 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.”

Learned counsel for the petitioners states that the original complainant was Rachhpal Singh and he duly signed the compromise but thereafter he has left for England and is not residing in India any more and in these circumstances, his father Anoop Singh has made a statement before the Court that Rachhpal Singh had signed the compromise in his presence and he identifies the signatures of Rachhpal Singh and that infact the compromise had been effected between the parties.

Learned Assistant Advocate General states that normally the statement of the complainant would be required but in the peculiar circumstances of this case he would not object.

Thereafter, the report of the Judicial Magistrate 1st Class, Ajnala dated 28.07.2015 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 the petitioners.

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

October 20, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**