

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.18041 of 2015 (O&M)

Date of decision :13.08.2015

Harjit Singh & others

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Vansh Malhotra, Advocate for the petitioners.

Mr.APS Gill, AAG, Punjab.

Mr.Bhanu Pratap Singh, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of cross case vide DDR No. 14 dated 11.03.2015, under Sections 324, 148, 149 IPC in FIR No.27 dated 10.03.2015, under Sections 451/324/506/148/149 IPC, registered at Police Station Chabbewal, District Hoshiarpur on the basis of compromise.

On 07.07.2015 the following order was passed:-

" Service is complete.

List on 07.08.2015.

Meanwhile, parties are directed to appear before learned trial court on 21.07.2015 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. Trial Court is also directed to send 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."

Thereafter, the report of the Judicial Magistrate 1st Class,

Hoshiarpur dated 31.07.2015 has been received whereby she had mentioned that the parties had appeared before her and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. She has further reported that no other case is pending between the parties except a cross-version. Learned AAG has 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 vide DDR No. 14 dated 11.03.2015, under Sections 324, 148, 149 IPC in FIR No.27 dated 10.03.20152, under Sections 451/324/506/148/149 IPC, registered at Police Station Chabbewal, District Hoshiarpur and all other 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.

(AJAY TEWARI)

JUDGE

August 13, 2015

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