

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

**C.R.M-M No.18116-2015
Date of Decision : 21.09.2015**

Balbir Singh @ Biri and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ashish, Advocate for
Mr. Vikas Gupta, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, 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)

At the very outset learned counsel for the petitioners states that inadvertently Section 324 has not been mentioned in the petition in the head note, para 3, para 7 and the prayer clause because it was added subsequently.

Learned Deputy Advocate General has accepted this fact.

In the circumstances, it is directed that Section 324 be read at the places mentioned above.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.163 dated 18.11.2014 registered under Sections

324/394/148/149-IPC and 25/27 Arms Act at P.S. Valtaha, District Tarn Taran, Punjab and all consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 28.05.2015 the following order was passed:-

“Notice of motion to the Advocate General, Punjab, as well as, respondent nos.2 and 3, for 21.09.2015.

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 Illaqa 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.”

Thereafter, the report of the Judicial Magistrate, 1st Class, Patti dated 05.08.2015 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.

(**AJAY TEWARI**)
JUDGE

21.09.2015

Pooja sharma-I