

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

**C.R.M-M No.18616 of 2015
Date of Decision : 20.11.2015**

Sandeep Singh

..... Petitioner

Versus

State of U.T. Chandigarh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. G.S. Saini, Advocate
for the petitioner.

Mr. Gagandeep S. Wasu, A.P.P., U.T., Chandigarh.

Mr. Rishu Mahajan, 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.339 dated 21.08.2014, registered under Section 279 IPC, at Police Station Manimajra, District U.T., Chandigarh alongwith all consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 29.05.2015 the following order was passed:-

“Notice of motion for 20.11.2015.

Meanwhile, parties are directed to be present before the learned trial Court/Illaq Magistrate on 23.7.2015 or any

other date convenient to the Court for recording their statements with regard to compromise. The trial Court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not a result of any pressure or coercion in any manner. It shall 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 case is pending against either of the parties or not, before the next date of hearing.”

Thereafter, the report of the Judicial Magistrate Ist Class, Chandigarh dated 21.08.2015 has been received whereby she has mentioned that the aforesaid parties had appeared before her and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

Learned APP for the U.T. Chandigarh has also 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 above said FIR and all consequential proceedings arising therefrom are quashed qua petitioner.

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

November 20, 2015

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**(AJAY TEWARI)
JUDGE**