

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

**C.R.M-M No.19681 of 2014 (O&M)
Date of decision : 20.11.2015**

Nishan Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Karanjit Singh, Advocate
for the petitioners.

Ms.Amarjit Kaur Khurana, Addl. AG, Punjab.

None 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)

CRM-M-37698-2015

For the reasons recorded, application is allowed. Documents
taken on record.

C.R.M-M No.19681 of 2014

This petition has been filed under Section 482 Cr.P.C. for
quashing of FIR No.160 dated 28.11.2013 registered under Sections
497/380 IPC at P.S. Chatiwind, District Amritsar and all consequential

proceedings arising therefrom on the basis of compromise effected between the parties.

On 07.07.2014 the following order was passed:-

“Since it is a petition for quashing of the FIR on the basis of compromise between the parties, let the statements of parties be recorded. The parties are directed to be present before the Trial Court on 25.07.2014 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 its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Trial Court 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 case is pending against either of the parties or not before the next date of hearing. The Trial Court is also directed to intimate with regard to pendency of any P.O. Proceedings against the parties.

Adjourned to 14.11.2014.”

Thereafter, the report of the Additional Chief Judicial Magistrate, Amritsar dated 04.08.2014 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**

20.11.2015

Pooja sharma-I