

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.21005 of 2015 (O&M)

Date of decision :12.10.2015

D.C.Singh and another

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.G.S.Toor, Advocate for the petitioners.

Mr.Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR.

On 06.07.2015 the following order was passed:-

“ Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.9 dated 23.3.2012 under Sections 420, 120-B, 384, 506, 511 IPC registered at Police Station Tallewal (Annexure P-1) and other consequential proceedings arising therefrom on the basis of compromise dated 27.5.2015 (Annexure P-2).

Notice of motion.

Keeping in view the compromise dated 27.5.2015 (Annexure P-2), the parties are directed to appear before Illaqa Magistrate/trial Court, for recording of their respective statements with regard to compromise, on 17.7.2015.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR.*
- (ii) Whether any accused is proclaimed offender.*
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*

List on 29.7.2015.”

On 29.07.2015 the report from the trial Court was not received and the following order was passed:-

“Vide order dated 6.7.2015, the parties were directed to appear before the trial Court to get their statements recorded and that Court was to send a report to this Court. Report has not yet been received. A letter be written to the Sessions Judge, Barnala for obtaining a report from the Court concerned explaining as to why no report was sent as directed, irrespective of the fact that statements of the parties were recorded or not.

Adjourned to 11.9.2015.”

After receiving a letter from this Court, District & Sessions Judge, Barnala sought report from the concerned JMIC, Barnala as to why report was not sent to which he replied vide letter No. 4615 dated 08.09.2015 that he had already sent the report on 17.07.2015 vide letter No. 4333 along with the statements of parties but still he sent another report of that very date. Let the Registry give its response to this report on 19.11.2015.

As per the the report of the Judicial Magistrate 1st Class, Barnala dated 17.07.2015 it has been mentioned that the parties had appeared before him and he had has 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. He has further reported that no accused person has been declared a proclaimed offender. Learned DAG 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 FIR No.9 dated 23.3.2012 under Sections 420, 120-B, 384, 506, 511 IPC registered at Police Station Tallewal (Annexure P-1) and all other 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

October 12 , 2015

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