

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.21072-2015 (O&M)
Date of Decision : 14.08.2015

Rafiq Mohd. & others

..... Petitioners

Versus

State of Punjab & others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sunny K.Singla, Advocate
for the petitioners.

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

Mr. M.K.Pundir, Advocate
for respondents No.2 to 5.

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)

On 02.07.2015 the following order was passed:-

"The instant petition is for quashing of First Information Report No.139 dated 13.8.2012 registered under Sections 323, 324, 506, 148, 149 of the Indian Penal Code (Sections 325, 201 of IPC added later on) at Police Station Ahmedgarh, District Sangrur on the basis of the compromise arrived at between the parties.

This is a case of version and cross-version. The respondents No.2 to 5/ complainants and other injured of opposite side have also filed CRM-M-21037-2015 for quashing

of the cross-version in question on the basis of the compromise.

Mr.MK Pundir, Advocate has appeared and filed his power of attorney on behalf of respondents No.2 to 5. He has affirmed the factum of compromise.

Notice of motion for 14.8.2015.

In view of the matter, the parties shall appear before the trial Court/ Area Magistrate on 15.7.2015 for getting their statements recorded with regard to the compromise arrived at between them. The learned trial Court/ Area Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case."

Thereafter, the report of the Judicial Magistrate Ist Class, Malerkotla (Sangrur) dated 17.07.2015 has been received whereby she has mentioned that the parties had appeared before her 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 petitioners.

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

14.08.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**