

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

CRM-M No. 24130 of 2014 (O&M)

Date of decision :24.02.2015

Jarnail Singh and others

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms.G.K.Mann, Advocate for the petitioners.

Ms.Rimplejeet Kaur, AAG, Punjab.

Mr.R.S.Khaira, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of a cross case registered vide DDR Entry No. 31 dated 14.03.2013, under Sections 326, 506, 148, 149 IPC, registered at Police Station Maqboolpura, District Amritsar.

On 11.09.2013 the following order was passed:-“

“Since the present petition has been filed for quashing of FIR on the basis of compromise, let the statements of the parties be recorded before the Illaqa Magistrate. Both the parties are directed to be present before the Illaqa Magistrate on 24.9.2013 or any other date convenient to the Court for recording their statements with regard to compromise. The Illaqa Magistrate is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner.

The Illaqa Magistrate 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 criminal proceedings are pending against either of the parties or not before the next date of hearing. The Illaqa Magistrate is also directed to intimate with regard to pendency of any P.O. proceedings against the parties.

To come up on 13.11.2013.

Reply on behalf of respondent-State ne filed meanwhil”e.

Thereafter, the report of the Judicial Magistrate 1st Class, Amritsar dated 01.11.2013 has been received whereby he had mentioned that the parties had appeared before him and had 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 intimated that no other criminal case is pending against any of the parties. Learned AAG 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 *cross case registered vide DDR Entry No. 31 dated 14.03.2013, under Sections 326,*

506, 148, 149 IPC, registered at Police Station Maqboolpura, District

Amritsar and all other 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

February 24, 2015

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