

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

**C.R.M-M No.21649-2015 (O&M)
Date of Decision : 20.08.2015**

Sunil Kumar and another

..... Petitioners

Versus

State of Punjab & another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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

Mr. Ashish Sanghi, DAG, Punjab.

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 under Section 482 Cr.P.C. for quashing of FIR No.109 dated 03.12.2014, under Sections 498-A, 406, 506, 323, 355, 120-B and 34 IPC, registered at Police Station Division No.1, District Gurdaspur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition.

On 07.07.2015 the following order was passed :-

"Notice of motion for 20.08.2015.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate on 17.07.2015 and the trial Court/Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise vis-a-vis number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date."

Thereafter, the report of the Additional Chief Judicial Magistrate, Pathankot dated 21.07.2015 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 petitioners.

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

20.08.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**