

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

**C.R.M-M No.22147-2015  
Date of Decision : 28.11.2015**

Jaswinder Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

\*\*\*

Present : Ms. Manpreet Kaur, Advocate for  
Mr. G.S.Bawa, Advocate  
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl.A.G., 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)**

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.25 dated 28.04.2015 registered under Section 295-A IPC at Police Station Mattewal, District Amritsar and all consequent proceedings arising therefrom on the basis of compromise.

On 13.07.2015 the following order was passed:-

*"Notice of motion.*

*State counsel, who is present in Court, accepts notice on behalf of respondent No. 1 while Mr. P.K.S. Phoolka, Advocate,*

*accepts notice on behalf of respondent No. 2 and files vakalatnama, which is taken on record.*

*Counsel for the parties submit that the parties have compromised the matter.*

*The parties are directed to appear before the trial Court on 31.07.2015 and the Magistrate shall record their statements along with opinion about the genuineness of the compromise. A report shall be made after doing the needful with further report as to whether any of the accused/petitioners was declared proclaimed offender at any stage and whether or not any other criminal case is pending against the accused, i.e. the petitioners.*

*Direction to record statements before the trial Court should not be taken to be any acknowledgment of the compromise.*

*Report of the Magistrate is awaited for 28.09.2015."*

On 28.09.2015 the following order was passed :-

*"Learned counsel for the petitioner states that they could not appear before the trial court on the last date fixed as mother of one of the parties has passed away on that date. He prays that one more opportunity be granted to the parties to appear before the trial Court.*

*Adjourned to 28.11.2015.*

*In the meantime, the parties are again directed to be present before the trial Court/Illaqia Magistrate on 28.10.2015 or on any other date convenient to the Court for recording their statements with regard to compromise. The 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 Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal*

*case is pending against either of the parties or not before the next date of hearing.”*

Thereafter, the report of the Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar dated 21.10.2015 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 the petitioners.

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

**November 28, 2015**

*Pooja sharma-I*

**( AJAY TEWARI )  
JUDGE**