

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

**CRM-M-22334 of 2014 (O&M)
Date of Decision:16.01.2015**

Major Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI.

Present: Mr. Prateek Pandit, Advocate for the petitioners.

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

Mr. Umesh Kumar Kanwar, Advocate for respondent No.2.

- i)Whether Reporters of local papers may be allowed to see the judgment?
- ii)To be referred to the Reporters or not?
- iii)Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (ORAL)

On 08.07.2014 the following order was passed:-

“Prayer in this petition is for quashing of FIR No.40, dated 16.05.2011, under Sections 148, 323, 325 342, 364 read with Section 149, IPC, registered at Police Station, Maqsudan, District Jalandhar, and all the consequential proceedings arising therefrom, on the basis of the compromise.

Notice of motion for 22.08.2014.

The affected parties are directed to appear on 25.07.2014, before the learned Trial Court, which shall record their respective statements with regard to the compromise and submit its detailed report in that regard along with copies of the statements to this Court on or before the adjourned date.

At this stage, Mr.Amit Kohar, Advocate, puts in appearance on behalf of the complainant/respondent No.2 and accepts the factum of compromise.”

Thereafter, the report of the Judicial Magistrate 1st Class, Jalandhar dated 16.08.2014 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.

16.01.2015

Mohan/prince

(AJAY TEWARI)
JUDGE