

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

CRM-M- 22382 of 2015 (O&M)

Date of Order: 06.10.2015

Kuldip Singh

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Tarun Vir Singh Lehal, Advocate for the petitioner.

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)

Prayer is for quashing of FIR No.78 dated 28.11.2014 under Sections 279/337/338/427 IPC registered at P.S Kalanaur, District Gurdaspur and all subsequent proceedings arising therefrom on the basis of compromise (P.2) arrived at between the parties.

On 14.07.2015, the following order was passed by this Court:

“The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of the case FIR No.78 dated 28.11.2014, under Sections 279,337,338,427 of Indian Penal Code,1860 registered at Police Station Kalanaur, District Gurdaspur, and all the subsequent proceedings arising out of the same, on the basis of compromise (Annexure P-2).

Notice of motion for 06.10.2015.

On the asking of the Court Mr. Jashanpreet, AAG, Punjab has accepted the notice on behalf of respondent-

State.

Learned counsel for the petitioner will supply the copy of the paper-book to the learned State counsel during the course of the day.

In the meanwhile, the parties are directed to appear before the learned Illaqa Magistrate/trial Court for recording their statements with respect to the compromise on 04.08.2015.

The learned Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:

- 1. number of the persons arrayed as accused in the FIR,*
- 2. whether any accused is proclaimed offender,*
- 3. whether the compromise is genuine, voluntary and without any coercion or undue influence,*
- 4. whether the settlement between the parties has any adverse affect upon any third party.*

The report of Illaqa Magistrate/trial Court be awaited for 06.10.2015.”

Thereafter, the report of the Judicial Magistrate, Ist Class, Gurdaspur dated 25.08.2015 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 petitioner.

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

October 06, 2015
manoj

(AJAY TEWARI)
JUDGE