

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M No.22663 of 2014
Decided on : 04.02.2015

Varinder Singh

... Petitioner

Versus

State of Punjab and another

... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.Sukhdev Singh, Advocate for
Mr.L.S.Sidhu, Advocate for the petitioner.

- 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)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.96 dated 21.09.2013 registered under Sections 380, 384, 511 and 506 IPC at Police Station City Mansa, and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-3 with the petition.

On 09.07.2014 the following order was passed:-

"Heard.

Notice of motion for 10.10.2013.

In the meanwhile, the parties may appear before the trial Court on 14.08.2014 or on any other date convenient to the trial Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the trial Court. In the event of their statements being recorded, the trial Court will send the same to this Court with its report; (i) regarding genuineness and voluntary nature of the compromise; (ii) whether all the accused/petitioners are appearing

before the Court or are on bail; and (or) whether any other proceeding is pending against the accused/petitioners.”

Thereafter, the report of the Chief Judicial Magistrate dated 16.08.2014 has been received whereby she has mentioned that the parties had appeared before her 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.

[Ajay Tewari]
Judge

04.02.2015
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