

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

CRM-M No.22745 of 2015 (O&M)

Date of decision :11.12.2015

Karan Saini alias Bunt & others Petitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Vipin Mahajan, Advocate for the petitioners.
 Mr.Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No.70 dated 17.10.2014 , under Sections 323, 379, 341, 34 IPC, registered at Police Station Behrampur, District Gurdaspur, Punjab on the basis of compromise.

On 16.07.2015 the following order was passed:-

“ Notice of motion for 11.12.2015.

 Meanwhile, parties are directed to be present before the learned trial Court/Illaq Magistrate on 3.9.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not a result of any pressure or coercion in any manner. It shall send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not, before the next date of hearing.”

Thereafter, the report of the Judicial Magistrate 1st Class, Gurdaspur dated 17.10.2015 has been received whereby he had mentioned that the parties had appeared before him and had attested to

the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. He has further reported that no other case is pending between the parties. Learned DAG has accepted this fact.

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 FIR No.70 dated 17.10.2014 , under Sections 323, 379, 341, 34 IPC, registered at Police Station Behrampur, District Gurdaspur, Punjab and all other 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.

(AJAY TEWARI)
JUDGE

December 11 , 2015

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