

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

CRM-M-25686-2013(O&M)

Date of Decision :18.02.2015

Kiran Bala and others

.....Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.K.S.Rekhi, Advocate for the petitioners.

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

Mr.Satish Jaswal, Advocate for respondents No. 2 to 4.

- 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)

This is a petition for quashing of FIR No. 159 dated 10.08.2006 under Sections 451/342/323/34 IPC, registered at Police Station, Shimlapuri Ludhiana on the basis of compromise (Annexure P-2).

On 09.10.2013 the following order was passed:-

“ Learned counsel for respondents No. 2 to 4 requests for an adjournment.

List again on 20.11.2013.

In the meantime, parties are directed to appear before the

Trial Court and the Trial Court shall send is report, after recording the statements of the parties with regard to genuineness of the compromise, along with copies of the statements of the parties.”

The report of the Judicial Magistrate 1st Class, Ludhiana was received only on 15.11.2014 whereby she had mentioned that the parties had appeared before her 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. Learned AddlAG 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. 159 dated 10.08.2006 under Sections 451/342/323/34 IPC, registered at Police Station, Shimlapuri Ludhiana 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.

As per order dated 17.11.2014 explanation has been furnished

that report was actually sent by the JMIC to the Sessions Judge, Ludhiana on 15.11.2014. The same was despatched to this Court on 17.11.2014 but the same was received only on 18.11.2014. A perusal of the original report reveals that though the statements were recorded on 21.08.2014 the report seems to have been forwarded only on 15.11.2014. Let the Court now furnish its explanation as to why this report was sent only in the nick of time.

Adjourned to 27.03.2015 to await the report of the trial Court.

(AJAY TEWARI)
JUDGE

February 18, 2015
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