

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

CRM-M- 23098 of 2015 (O&M)

Date of Order: 05.10.2015

Baal Narinder Singh and Anr.

....Petitioners

Versus

State of Punjab and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Naresh Kumar Kalia, Advocate for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. N.K. Kalia, Advocate for respondent No.2-complainant.

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.85 dated 02.08.2013 under Sections 406,498-A IPC, P.S Women, District Ludhiana on the basis of compromise deed dated 17.04.2015 (P.1).

On 17.07.2015, the following order was passed by this Court:

“Notice of motion.

State counsel, who is present in Court, accepts notice on behalf of respondent No. 1.

It is submitted by counsel for the petitioners that petitioner – Baal Narinder Singh and respondent No. 2 – Inderjit Kaur have reconciled and are living together. It is also informed that the next date fixed before the trial Court is 06.08.2015.

In view of the above, the parties are directed to appear before the trial Court on 06.08.2015 and the Magistrate shall record their statements along with opinion about

the genuineness of the compromise. A report shall be made after doing the needful with further report as to whether any of the accused/petitioners was declared proclaimed offender at any stage and whether or not any other criminal case is pending against the accused, i.e. the petitioners.

Direction to record statements before the trial Court should not be taken to be any acknowledgment of the compromise.

Report of the Magistrate is awaited for 05.10.2015.”

Thereafter, the report of the Judicial Magistrate, Ist Class, Ludhiana dated 01.10.2015 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 petitioners.

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

October 05, 2015
manoj

(AJAY TEWARI)
JUDGE