

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

241

CRM-M-23367 of 2014
Decided on : 06.02.2015

*Mohinder Singh and others**... Petitioners**Versus**State of Punjab and another**... Respondents*

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.Siddharth Gupta, Advocate for the petitioners.
Mr.Deepak Garg, AAG, Punjab.

- 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.191 dated 15.09.2013 registered under Sections 420 and 406, IPC at Police Station Talwandi Sabo, District Bathinda and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition.

On 04.01.2014 the following order was passed:-

“Learned Assistant Advocate General states that as per the FIR there were five victims but statement of only the complainant-respondent No.2 has been recorded.

Learned counsel for the petitioners states that as per his information the compromise has been effected by all the alleged victims and he would have no objection in ensuring that all the other persons also record their statements.

In the circumstances, the said persons are directed to be present before the Illaqa Magistrate on 16.12.2014 or any other date convenient to the Court for recording their statements with regard to

compromise. The Court is directed to record the statements of all the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the next date of hearing.

To come up on 06.02.2015."

Thereafter, the report of the Sub Divisional Judicial Magistrate, Talwandi Sabo dated 22.12.2014 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

06.02.2015
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