

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.23460 of 2015 (O&M)

Date of decision :06.10.2015

Bablu alias Ashwani

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Deepak Bhardwaj, Advocate for the petitioners.

Mr.Ashish Sanghi, DAG, Punjab.

Mr.Pratham Sethi, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No.125 dated 17.08.2011 , under Sections 341/323/506 IPC, registered at Police Station Morinda, District Rupnagar and all consequential proceedings arising therefrom on the basis of compromise.

On 21.07.2015 the following order was passed:-

“ Mr. Sethi has appeared and filed his Power of Attorney on behalf of respondent No.2. He affirms the factum of compromise between the parties.

In view of the matter, the parties shall appear before the trial Court/ Area Magistrate on 03.08.2015 for getting their statements recorded with regard to the compromise arrived at between them. The learned trial court/ Area Magistrate, after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. Magistrate in its report will specify the names of all the injured as well as of the accused and will also report if any of the accused has been declared proclaimed offender in the case.

List on 06.10.2015.”

Thereafter, the report of the Addl.Chief Judicial Magistrate,

Rupnagar dated 11.08.2015 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 intimated that no proclamation proceedings are pending against the petitioner. 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.125 dated 17.08.2011 , under Sections 341/323/506 IPC, registered at Police Station Morinda, District Rupnagar* and all other proceedings arising therefrom are quashed qua the petitioner.

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

(AJAY TEWARI)
JUDGE

October 06, 2015

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