

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

CRM-M No.24267 of 2015 (O&M)

Date of decision :19.10.2015

Inderpreet Singh Saini and another

..... Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.R.S.Ghuman, Advocate for the petitioners.

Mr.APS Gill, AAG, Punjab.

Mr.BPK Brar, Advocate for respondents No.2 and 3.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR.

On 17.08.2015 the following order was passed:-

“ The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.41 dated 18.04.2015 registered under Sections 323, 341, 427, 506, 148 & 149 IPC at Police Station Phase-XI, District SAS Nagar 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.

To come up on 19.10.2015.

Meanwhile, the parties are directed to be present before the Illaqa Magistrate on 07.09.2015 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 both 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.”

Thereafter, the report of the Chief Judicial Magistrate, Mohali dated 08.09.2015 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. Learned AAG 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 *F.I.R. No.41 dated 18.04.2015 registered under Sections 323, 341, 427, 506, 148 & 149 IPC at Police Station Phase-XI, District SAS Nagar* 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

October 19 , 2015

sunita