

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

C.R.M-M No.24377-2015

Date of decision :08.10.2015

Rajiv Kumar Chopra

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. A.P.S. Gill, A.A.G., Punjab.

Mr. Jasmandeep, Advocate
for respondent No.2.

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)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.286 dated 27.12.2014 registered under Sections 379/411/420/467/468/471/506 and 34 IPC at P.S. Gharinda, District Amritsar (Rural) and all consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 27.07.2015 the following order was passed:-

“Power of attorney has been filed by learned counsel for respondent No.2 in Court today. He affirms the factum of compromise arrived at between the parties.

Accordingly the parties are directed to appear before the learned trial Court/Area Magistrate on 10.08.2015 for getting their statements recorded with regard to the compromise arrived at between the 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 send his/her report upto 08.10.2015. The Magistrate shall also report about the names and number of the accused involved and whether anyone out of them has been declared proclaimed offender in the present FIR.”

Thereafter, the report of the Chief Judicial Magistrate, Amritsar dated 21.09.2015 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 petitioner.

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

October 08, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**