

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

**C.R.M-M No.24428-2015
Date of Decision : 01.12.2015**

Radhey Sham Kaushal and others

..... Petitioners

Versus

State of U.T. and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Hari Om Verma, Advocate
 for the petitioners.

Mr. Gagandeep S.Vasu, APP, U.T., Chandigarh.

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)

The present petition has been filed under Section 482 Cr.P.C.
for quashing of F.I.R. No.118 dated 26.06.2014 registered under
Sections 420, 511, 467, 468, 471 IPC at Police Station Sector 19-C,
Chandigarh.

On 28.07.2015 the following order was passed:-

“Notice of motion for 1.12.2015.

*Meanwhile, parties are directed to be present before the
learned trial Court/Illaq Magistrate on 14.9.2015 or any other
date convenient to the Court for recording their statements with
regard to compromise. The trial Court/Illaq Magistrate is*

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

Thereafter, the report of the Judicial Magistrate 1st Class, Chandigarh dated 23.09.2015 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.

Learned standing counsel for the U.T., Chandigarh has also 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 above said FIR and all consequential 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.

December 01, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**