

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

**C.R.M-M No. 24824 of 2014
Date of Decision : 16.02.2015**

Arshad Ali

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Naveen Batra, Advocate
for the petitioner.

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

None 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)

On 24.07.2014 the following order was passed:-

“Through the present petition, the petitioner has prayed for quashing of FIR No.29 dated 24.03.2009 for offence under Sections 279, 337, 338 IPC registered at Police Station Nangal, District Ropar, on the basis of compromise dated 15.07.2014 (Annexure P2).

Notice of motion for 14.11.2014.

Parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to compromise/settlement on 29.08.2014.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information :-

- (1) number of persons arrayed as accused in FIR*
- (2) whether any accused is proclaimed offender.*
- (3) whether the compromise is genuine, voluntary, and without any coercion or undue influence."*

Thereafter, the report of the Judicial Magistrate Ist Class, Anandpur Sahib dated 18.10.2014 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 petitioner.

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

February 16, 2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**