

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

**C.R.M-M No.24944-2015
Date of decision : 15.10.2015**

Avtar Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sahil Kaushal, Advocate for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Lalit Pathak, 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)

On 30.07.2015 the following order was passed:-

“The present petition is for quashing of First Information Report No.156 dated 10.9.2013 registered under Sections 323, 325, 34 of the Indian Penal Code at Police Station Samrala and all the consequential proceedings arising therefrom on the basis of the compromise arrived at between the parties.

Notice of motion for 15.10.2015.

Mr.Lalit Pathak, Advocate has appeared and filed his power of attorney on behalf of respondent No.2. He has also affirmed the factum of compromise, annexed with the petition as Annexure P-2.

In view of the matter, the parties shall appear before the trial Court/ Area Magistrate on 31.8.2015 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.”

Thereafter, the report of the Judicial Magistrate 1st Class, Samrala dated 18.09.2015 has been received whereby she has mentioned that the parties had appeared before her 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 petitioners.

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

October 15, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**