

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No. 25679 of 2015 (O&M)

Date of decision : 29.10.2015

Sarabjit Kaur & others

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.M.S.Basra, Advocate for the petitioners.

Mr.Ashish Sanghi, DAG, Punjab.

Mr.Harjeet Savra, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No.65 dated 21.07.2011, under Sections 447/148/149 IPC, registered at Police Station Dhariwal, District Gurdaspur on the basis of compromise.

On 05.08.2015 the following order was passed:-

“ The present petition is for quashing of First Information Report in question on the basis of the compromise arrived at between the parties.

Notice of motion for 29.10.2015.

Mr.Harjeet Savra, Advocate has appeared and filed his power of attorney on behalf of respondent No.2. He has also affirmed the factum of compromise.

In view of the matter, the parties shall appear before the trial Court/Area Magistrate on 28.8.2015 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. The Magistrate shall also report about the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.”

Thereafter, the report of the Judicial Magistrate 1st Class, Guredaspur dated 01.09.2015 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. He has further reported that none of the accused has been declared proclaimed offender in the present FIR. Learned DAG 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 FIR No.65 dated 21.07.2011, under Sections 447/148/149 IPC, registered at Police Station Dhariwal, District Gurdaspur 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 29 , 2015

sunita