

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.25752 of 2015 (O&M)

Date of decision :02.11.2015

Gurdeep Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.F.S.Virk, Advocate for the petitioner.

Mr.Ashish Sanghi, DAG, Punjab.

Mr.Gurminder Singh Salana, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No.61 dated 27.09.2014 , under Section 295-A of the IPC and Section 66-A of the Information Technology Act, 2000 registered at Police Station Sanour, District Patiala on the basis of compromise.

On 05.08.2015 the following order was passed:-

“ Notice of motion to the Advocate General, Punjab, as well as, respondent no.2, for 02.11.2015.

Parties will be at liberty to move application before the Illaqa Magistrate/trial Court to get their statements recorded with regard to genuineness of compromise. On doing so, the Illaqa Magistrate/trial Court will record their statements with regard to the compromise on the date already fixed or some other date to be fixed by it and submit report to this Court by the adjourned date by specifically stating whether the compromise is genuine and also state about the status/stage of the case.

The Court shall also mention whether any of the accused is proclaimed offender and quashing sought is by all the accused.”

Thereafter, the report of the Judicial Magistrate 1st Class, Patiala dated 09.09.2015 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 accused has not been declared proclaimed offender. 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.61 dated 27.09.2014 , under Section 295-A of the IPC and Section 66-A of the Information Technology Act, 2000 registered at Police Station Sanour, District Patiala* and all other 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.

(AJAY TEWARI)
JUDGE

November 02 , 2015

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