

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

Date of Decision : 14.12.2015

1) C.R.M-M No.25914 of 2014

Pritam Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

2) C.R.M-M No.33021 of 2014

Harpal Singh Hans @ Palu

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Amandeep Singh Rai, Advocate
for the petitioners.

Mr. Ashish Sanghi, D.A.G., Punjab.

Mr. S.S. Kamboj, Advocate
for Mr. H.S. Gill, 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)

Since the issue is same both the petitions are decided by the
common order.

These petitions have been filed under Section 482 Cr.P.C. for quashing of FIR No.166 dated 18.07.2008, registered under Sections 323, 324, 325, 326, 341, 148, 149, 506, 511 I.P.C., at Police Station Shimlapuri, District Ludhiana and the order dated 05.12.2011 vide which the petitioner-Harpal Singh Hans has been declared as proclaimed offender and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 15.01.2015 the following order was passed in CRM-M-25914-2014:-

“It appears that one of the co-accused Harpal Singh Hans is not a party to the present petition and is a proclaimed offender. He has filed a separate petition for quashing of FIR on the basis of compromise as well as the order declaring him proclaimed offender.

Adjourned to April 23, 2015.

Meanwhile, an interim direction is issued that the parties will appear before the trial Court on next date of hearing or any other day fixed by the trial Court. The trial Court will record the statements of all the affected parties and send a report to this Court regarding matter having been compromised voluntarily.

For awaiting the report, to come up on the date fixed.

Meanwhile, Harpal Singh Hans may avail the remedy under Section 438 Cr.P.C. by filing a separate petition before this Court and appear before the trial Court.”

Thereafter, the report of the Judicial Magistrate Ist Class, Ludhiana dated 18.03.2015 has been received. In the report, he has mentioned that the aforesaid parties except the accused Harpal Singh Hans

have appeared before him and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

On 08.07.2015 the following order was passed in CRM-M-33021-2014:-

“It is submitted on behalf of the petitioner that he has since appeared before the learned trial Court in compliance of order passed in CRM-M-25914 of 2014 and has furnished his bail bonds which have been accepted and he is on bail.

Mr. H.S. Gill, Advocate has appeared on behalf of respondent No.2-Sukhwinder Singh @ Kala. He affirms the factum of compromise between the parties.

Accordingly, the complainant-injured is directed to appear before the learned trial Court/Area Magistrate on 17.07.2015 for getting the statements recorded with regard to the compromise arrived at between the parties. 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 send his/her report upto 01.09.2015.

Learned State Counsel submitted that he has not received the copy of the petition so far.

Learned counsel for the petitioner undertakes to supply the copy during the course of the day.”

Thereafter, the report of the Judicial Magistrate Ist Class, Ludhiana dated 20.08.2015 has been received. In the report, he has mentioned that the aforesaid parties have appeared before him and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

Learned Deputy Advocate General has also accepted these facts.

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, these petitions are allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua petitioners.

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

December 14, 2015

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**(AJAY TEWARI)
JUDGE**