

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

**C.R.M-M No.25915 of 2014
Date of Decision : 14.12.2015**

Bahadur Singh and others

..... Petitioners

Versus

State of Punjab and others

..... 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 Nos.2 & 3.

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)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.44 dated 20.03.2011, registered under Sections 324, 323, 148, 149 IPC, at Police Station Sadar Ludhiana and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 15.01.2015 the following order was passed in a connected case bearing 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 19.03.2015 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, this petition is 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**