

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29218-2013(O&M)

Date of Decision :18.02.2015

Rajni Bala and others

.....Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Satish Jaswal, Advocate for the petitioners.

Ms. Amarjit Kaur Khurana, Addl.AG, Punjab.

Mr.K.S.Rekhi,, Advocate for respondents No. 2 to 4.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for quashing of Rapat dated 10.04.2007 in FIR No. 159 dated 10.08.2006 under Sections 323/506/324/34 IPC, registered at Police Station, Shimlapuri Ludhiana on the basis of compromise (Annexure P-3).

On 31.01.2014 the following order was passed:-

“ Learned counsel for the parties have stated at the bar that the parties have not appeared before the trial Court.

In these circumstances, one final opportunity is granted to the parties to appear before the trial Court/Illaq Magistrate on 19.02.2014. The learned trial Court/Illaq Magistrate shall record the statements of all the effected parties and shall report whether any volunteer compromise has been arrived at between the parties or not.

The report of the trial Court/Illaq Magistrate be called for 01.04.2014.”

Thereafter the report of the Judicial Magistrate 1st Class, Ludhiana dated 07.03.2014 has been received whereby she had mentioned that the parties had appeared before her 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. Learned Addl.AG 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. 159 dated 10.08.2006 under Sections 451/342/323/34 IPC, registered at Police Station, Shimlapuri Ludhiana 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

February 18, 2015
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