

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

CRM-M No. 2761 of 2014 (O&M)

Date of decision :13.02.2015

Bhupinder Singh and others

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.L.M.Gulati, Advocate

for the petitioners.

Mr.Deepak Garg, AAG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No. 114 dated 28.05.2009 under Sections 323/506/342/148/149/34 IPC, registered at Police Station Jandiala, District Amritsar City on the basis of compromise.

On 30.01.2014 the following order was passed:-

“ Prayer has been made for quashing of the FIR on the basis of compromise.

Notice of motion to Advocate General, Punjab and respondent No. 2 for 25.8.2014.

In the meantime, the petitioners on the one hand and respondent No.2 on the other may appear before the trial Court for getting their statements recorded in regard to the compromise. The said Court, after recording the statements, shall opinion about the genuineness of the compromise and submit its report, alongwith the statements of the parties to this Court before the next date of hearing.

Thereafter, the report of the Judicial Magistrate 1st Class,

Amritsar dated 26.02.2014 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. She has further intimated that no criminal case is pending against any of the accused persons. Learned AAG 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. 114 dated 28.05.2009 under Sections 323/506/342/148/149/34 IPC, registered at Police Station Jandiala, District Amritsar City 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 13, 2015

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