

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

**C.R.M-M No.27619 of 2015
Date of Decision : 30.10.2015**

Jaspal Singh @ Jassi and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Manpreet Singh Longia, Advocate
for the petitioners.

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

Mr. Sunil Sharma, 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)

On 19.08.2015 the following order was passed:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 12 dated 28.01.2015, under Sections 307, 34 IPC and Section 25 of the Arms Act, registered at Police Station, Anandpur Sahib, District Rupnagar on the basis of compromise (Annexure P-1).

Notice of motion.

Ms. Amarjit Kaur Khurana, Addl. A.G., Punjab, on the asking of the Court, accepts notice on behalf of the respondent-

State.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned Addl.AG during the course of the day.

Since the present petition is for quashing of FIR on the basis of compromise, the parties are directed to be present before the Illaqa Magistrate on 22.09.2015 or any other date convenient to the Magistrate for recording their statements with regard to compromise. The Illaqa Magistrate is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Illaqa Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not before the next date of hearing.

Adjourned to 30.10.2015 for awaiting the report of the Illaqa Magistrate.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Anandpur Sahib dated 20.10.2015 has been received whereby he has mentioned that the parties had appeared before him and has attested to the fact that a compromise has indeed taken place between them and that the compromise has been executed voluntarily and without any pressure.

Learned counsel for the petitioners states that Section 307 IPC is not made out because its a no injury case.

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. The Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another** reported as (2014) 6 SCC 466 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 in an offence under Section 307 IPC.

In view of the above judicial pronouncements, 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.

October 30, 2015

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**(AJAY TEWARI)
JUDGE**