

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

**C.R.M-M No.28005-2014
Date of Decision : 01.12.2015**

Gurpartap Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Jaideep Kaur, Advocate for
Mr. G.S.Jaswal, Advocate for the petitioner.

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

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)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.101 dated 25.04.2000 registered under Sections 406/420/120-B IPC at Police Station Division Civil Lines, Ludhiana, including proclaimed offender order dated 10.12.2001 and all consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 22.08.2014 the following order was passed:-

“Notice of motion for 13.10.2014.

This is a petition for quashing of FIR on the basis of compromise.

Parties are directed to appear before the learned trial Court/Illaq Magistrate on 4.9.2014. The learned trial Court/Illaq Magistrate shall record the statement of all the effected parties and shall report whether any volunteer compromise has been arrived at between the parties. The report of the trial Court/Illaq Magistrate, in this regard be called for the date fixed.”

Thereafter, the report of the Additional Chief Judicial Magistrate, Ludhiana dated 10.09.2014 has been received whereby he has mentioned that the parties had appeared before him and had 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 Additional Advocate General has also 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 above said FIR and all consequential proceedings arising therefrom are quashed including the order declaring him a proclaimed offender qua the petitioner.

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

December 01, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**