

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

CRM-M- 28997 of 2014 (O&M)

Date of Order: 05.10.2015

Surjit Kumar

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms. Reena Bains, Advocate for the petitioner.

Mr. Ashish Sanghi, DAG, 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)

Prayer is for quashing of FIR No.131 dated 07.12.2013 under Sections 420,406 IPC and under Section 24 of Emigration Act, 1983, P.S Sadar Kapurthala on the basis of compromise (P.5).

On 28.08.2014, the following order was passed by this Court:

“Notice of motion for 4.11.2014.

The parties may appear before the trial Court/Illaqua Magistrate on 15.9.2014 to get their statements recorded with regard to genuineness of compromise. On appearance of parties, the trial Court/Illaqua Magistrate will record their statements with regard to the compromise on the date fixed or some other date to be fixed by it and submit report to this Court by the next date by specifically stating whether the compromise is genuine and also state about the status/stage of the case.”

Thereafter, the report of the Additional Chief Judicial Magistrate, Kapurthala dated 18.09.2014 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.

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 the petitioners.

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

October 05, 2015
manoj

(AJAY TEWARI)
JUDGE