

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

C.R.M-M No.31565-2014

Date of Decision : 01.12.2015

Bakhshish Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Bhupinder Ghai, Advocate for the petitioners.

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

Mr. A.K.Handa, Advocate for respondents No.2 to 4.

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.135 dated 26.11.2012 registered under Section 420 IPC at Police Station Malout City, District Muktsar and all consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 12.09.2014 the following order was passed:-

“Learned counsel, inter alia, contended that the parties have amicably settled their disputes, by means of compromise deed dated 22.08.2014 (Annexure P-1) and the criminal case registered against the petitioners in pursuance of impugned FIR (Annexure P-2) is liable to be quashed.

Heard.

Notice of motion be issued to the respondents, returnable for 05.11.2014.

Meanwhile, the Magistrate, having the jurisdiction is directed to indicate (i) how many total accused are involved in this case, (ii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise deed (Annexure P-1) and (iii) to send its report to this Court before the next date of hearing.”

Thereafter, the report of the Additional Civil Judge (Senior Division)-cum-SDJM, Malout dated 18.10.2014 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 qua the petitioners.

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**