

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

243

CRM-M-32529 of 2014
Decided on : 06.02.2015

Justin Janagal and another

... Petitioners

Versus

Union Territory and another

... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.Mr.Malkeet Singh, Advocate
for the petitioners.
Mr.J.S.Toor, Advocate for
Mr.Rajive Sharma, Advocte for the U.T.Chandigarh.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. 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.214 dated 09.05.2014 registered under Sections 435 and 34, IPC at Sector 11, Chandigarh and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition.

On 19.09.2014 the following order was passed:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.214 dated 09.05.2014 registered under Sections 435/34 IPC at Police Station Sector 11, Chandigarh and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition. Notice of motion.

To come up on 19.12.2014.

Meanwhile, the parties are directed to be present before the Illaqa Magistrate on 16.10.2014 or any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the next date of hearing.”

On 19.12.2014 the following order was passed:-

“Report has not been received. As per Learned counsel for the petitioners the statements of the parties were already recorded.

Let the report be awaited for 06.02.2015 along with an explanation of the officer as to why the same was not sent.”

In compliance with the order dated 19.12.2014, passed by this Court, explanation from the Judicial Magistrate 1st Class, Chandigarh has been received and the same are accepted.

Report of the Judicial Magistrate 1st Class, Chandigarh, dated 20.01.2015 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 petitioners.

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

[Ajay Tewari]
Judge

06.02.2015
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