

CRM-M-33669-2014

Date of Decision : 26.02.2015

SANDEEP @ RINKU & ANR

..... Petitioners

Versus

STATE OF PUNJAB & ANR

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Saurabh Bhardwaj, Advocate for
Dr. Sushil Gautam, Advocate
for the petitioners.

Ms. Rimple Jeet Kaur, A.A.G., Punjab.

Mr. Peeush Gagneja, 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 30.09.2014 the following order was passed:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.230 dated 04.08.2009 registered under Sections 324, 323, 148, 149 IPC at Police Station City Abohar, District Ferozepur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

Ms. Amarjit Kaur Khurana, Additional Advocate General, Punjab, at the asking of the Court, accepts notice on behalf of respondent No.1.

Learned counsel for the petitioners undertakes to supply a copy of the petition to the learned Addl.A.G during the course of the day.

To come up on 09.01.2015.

Meanwhile, the parties are directed to be present before the trial Court on the date fixed i.e.10/10/2014 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.”

Thereafter, the report of the Judicial Magistrate Ist Class, Abohar dated 18.12.2014 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. He has further intimated that there were three accused and one of them namely Robin Singh has been declared a proclaimed offender vide order dated 12.12.2011.

On 09.01.2015 the following order was passed :-

“Learned Assistant Advocate General has pointed out that in this case out of the three accused only two are parties and the main accused Robin has been declared as proclaimed offender.

Learned counsel for the petitioners states that this fact alone can not disentitle the petitioners from having the FIR quashed at least qua them and seeks an adjournment to show judgments in this regard.

Adjourned to 26.02.2015.”

Learned counsel for the petitioner has relied upon the judgments titled as Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another: 2012(12) SCC 401, Parambir Singh Gill Vs. Malkiat Kaur 2010(1), RCR (Criminal)256: 2010(1) Cri.CC 898 and Kulwinder Singh and others Vs. State of Punjab and another 2007(3) RCR (Criminal) 1052, in all these cases it was held that FIR can be quashed against some of the accused only.

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 judgments cited above, 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.

February 26, 2015
ps-I/pooja sharma-I

(AJAY TEWARI)
JUDGE