

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

C.R.M-M No.33862-2014

Date of decision :20.10.2015

Munna @ Manoj Anand

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ritesh Pandey, 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)

On 20.03.2015 the following order was passed:-

“Prayer in this petition is for quashing of FIR No.2, dated 04.01.2010, for the offence punishable under Sections 148, 323, 324, 427, 452 and 506 read with Section 149 IPC, registered at Police Station, City Batala Police, District Batala, on the basis of compromise.

Adjourned to 30.04.2015.

In the meantime, the affected parties are directed to appear on 06.04.2015, before the Area Magistrate Batala, who shall record their respective statements with regard to the compromise and submit his/her detailed report along with

copies of the statements to this Court on or before the adjourned date. The Magistrate shall report that the compromise is genuine and has taken place without any influence or pressure from any quarter.”

On 30.04.2015 the following order was passed :-

“Counsel for the petitioner submits that as per the order of this Court dated 20.03.2015, the parties were directed to appear before the Trial Court on 06.04.2015 for recording of the statements regarding compromise. However, as respondent No.2-complainant was out of station, the parties could not appear before the learned Magistrate on that date.

Parties are again directed to appear before learned Area Magistrate on 21.05.2015.

Their statements be recorded and report in terms of order dated 20.03.2015 be sent. The Magistrate will also report the names and number of the accused involved and whether any accused has been declared proclaimed offender in the present case.

Adjourned to 30.07.2015.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Batala dated 02.06.2015 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 the petitioner.

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

October 20, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**