

246-A

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

**C.R.M-M No.33930 of 2015
Date of Decision : 14.12.2015**

Iqbal Singh & another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Abinav Jain, Advocate
for the petitioners.

Mr. Ashish Sanghi, D.A.G., Punjab.

Mr. A.S Sekhon, 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)

This petition has been filed under Section 482 of the Cr.P.C for quashing of DDR No.30 dated 26.05.2015 under Sections 324, 148, 149 IPC and later on added Section 326 IPC (cross case) registered in FIR No.50 dated 25.05.2015 registered under Sections 324, 336, 148 and 149 and 25, 30 of Arms Act at P.S Sadar Faridkot, District Faridkot and all other consequential proceedings arising therefrom on the basis of compromise

between the parties.

On 05.10.2015 the following order was passed:-

"This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 50 dated 25.05.2015, under Sections 324/336/148/149 IPC and Sections 25/30 of Arms Act, registered at Police Station, Sadar Faridkot, District Faridkot on the basis of compromise.

Notice of motion.

Mr.Ashish Sanghi, DAG, Punjab, on the asking of the Court, accepts notice on behalf of the respondent-State.

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

Since the present petition is for quashing of FIR on the basis of compromise, the parties are directed to be present before the Chief Judicial Magistrate/Duty Magistrate on 16.11.2015 or any other date convenient to the Magistrate for recording their statements with regard to compromise. The Chief Judicial Magistrate/Duty Magistrate is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Chief JudicialMagistrate/Duty Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not before the next date of hearing.

Adjourned to 14.12.2015 for awaiting the report of the Chief Judicial Magistrate/Duty Magistrate."

Thereafter, the report of the Chief Judicial Magistrate, Faridkot dated 01.12.2015 has been received whereby he has mentioned that the

aforesaid parties have appeared before him and have attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

Learned Deputy 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 DDR 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.

December 14, 2015

vanita

**(AJAY TEWARI)
JUDGE**