

C.R.M-M No. 34265-2015 (O&M)
Date of Decision : 18.12.2015

..... Petitioner

State of Punjab and another

..... Respondents

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Shrey Goel, Advocate for
Mr. Charanpreet Singh, Advocate
for the 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 06.10.2015 the following order was passed :-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 57 dated 21.07.2013, under Sections 336, 341, 323, 506, 427, 148, 149 IPC and Sections 25, 27 of the Arms Act, registered at Police Station, Lambra, Tehsil and District Jalandhar 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 petitioner 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 18.11.2015 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 Judicial Magistrate/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 18.12.2015 for awaiting the report of the Chief Judicial Magistrate/Duty Magistrate."

Thereafter, the report of the Chief Judicial Magistrate, Jalandhar dated 04.12.2015 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.

Learned Deputy Advocate General states that originally there were 5 accused and 4 of them have already compromised the matter and FIR qua them have been quashed by way of CRM-M-28278-2013 decided on 21.04.2014. Now the present petition is by the only remaining accused.

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.

December 18, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**