

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

**C.R.M-M No. 34386-2015
Date of Decision : 18.12.2015**

Charan Dass and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Ritesh Pandey, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, 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)

At the very outset learned counsel for the petitioners states that when the petition was filed Section 325 IPC was not added and has been added subsequently and prays that he may be allowed to add the same in the paper book wherever necessary otherwise he would have to file a fresh application and thus fresh statements would have to be recorded with regard to the compromise.

I find this to be a fair request. Resultantly he is allowed to add Section 325 IPC at the relevant places in the paper book and the same be taken to have been included therein.

On 07.10.2015 the following order was passed :-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 63 dated 22.05.2011, under Sections 452, 323, 148,149 IPC, registered at Police Station, Sadar Batala, District Batala on the basis of compromise (Annexure P-3).

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 trial Court on 22.10.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court 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 trial Court 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 trial Court.”

Thereafter, the report of the Judicial Magistrate 1st Class, Batala dated 06.11.2015 has been received whereby she has mentioned that the parties had appeared before her 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 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 FIR and all consequential proceedings arising therefrom are quashed qua the petitioners.

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**