

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No. 34884 of 2014 (O&M)

Date of decision : 29.10.2015

Raghwinder Singh Mahal and another

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Sunil Agnihotri, Advocate for the petitioners.

Mr.Ashish Sanghi, DAG, Punjab.

Mr.H.S.Randhawa, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No. 277 dated 15.07.2009, under Sections 406, 498-A, 120-B IPC, registered at Police Station Division No.6, Jalandhar on the basis of compromise.

On 09.03.2015 the following order was passed:-

“ Notice of motion for 21.4.2015.

Parties will be at liberty to appear before the trial Court/Illaq Magistrate on the date fixed or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded with regard to genuineness of compromise. On doing so, the trial Court/Illaq Magistrate will record their statements with regard to the compromise on the date fixed or some other date to be fixed by it and submit report to this Court by the next date by specifically stating whether the compromise is genuine and also state about the status/stage of the case. The Court shall also mention whether any of the accused is proclaimed offender or quashing sought is by all the accused.”

Thereafter, the report of the Chief Judicial Magistrate, (NRI) Jalandhar, dated 20.07.2015 has been received whereby he had mentioned that the complainants had appeared before him and had

attested to the fact that a compromise had indeed taken place between them and the accused persons with the intervention of respectables and that the compromise had been executed voluntarily and without any pressure. He has further reported that all the accused persons are proclaimed offenders in this case. Learned DAG has accepted this fact.

FIR admittedly was a result of matrimonial discord. It is stated that the parties have now divorced and statements have also been recorded.

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 *FIR No. 277 dated 15.07.2009, under Sections 406, 498-A, 120-B IPC, registered at Police Station Division No.6, Jalandhar* and all other 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.

(AJAY TEWARI)
JUDGE

October 29 , 2015

sunita