

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

**1. C.R.M-M No.35494-2014
Date of Decision : 22.09.2015**

Nahar Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

**2. C.R.M-M No.6151-2015
Date of Decision : 22.09.2015**

Prem Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.K.Handa, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Tarun Sharma, Advocate
for 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)

This order shall dispose of the above mentioned two petitions.

Since common questions of law and facts are involved therein, they are

being decided by this common order. For the sake of convenience the facts are being taken from CRM-M-6151-2015.

These petitions have been filed under Section 482 Cr.P.C. for quashing of FIR No.103 dated 08.07.2011 registered under Sections 419/420/465/467/468/471 and 120-B IPC at P.S. Morinda, District Rupnagar, Punjab and all consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 24.02.2015 the following order was passed:-

“Adjourned to 19.03.2015 for arguments, at the request of counsel for the petitioners.

Meanwhile, the trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) status/stage of the trial/case, (iii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise deed dated 30.08.2014 (Annexure P-2) and (iv) to send its report to this Court before the next date of hearing. ”

On 19.03.2015 the following order was passed :-

“The trial Court could not record statements of the parties for the reasons explained in the report.

The parties are again directed to appear before the trial Court on 05.05.2015 for recording their statements on the compromise.

The trial Court would record statements of the parties on the terms of written compromise and report whether the compromise is genuine and without any pressure or coercion. The trial Court will send report alongwith original statements of parties and the compromise before the next date.

List on 10.08.2015.”

Thereafter, the report of the Additional Chief Judicial Magistrate, Rupnagar, Punjab dated 15.05.2015 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 petitioners.

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

(**AJAY TEWARI**)
JUDGE

22.09.2015

Pooja sharma-I