

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-36224 of 2014

Date of Decision: 07.09.2015

Gagan alias Gaggi and Others

... Petitioners(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Ajay Tewari.

Present: Mr. Aayush Gupta, Advocate
for the petitioner(s).

Mr. Ashish Sanghi, Additional Advocate
General, Punjab for respondent No.1.

Mr. Raghav Sharma, Advocate
for respondents No.2 to 5.

Ajay Tewari, J.

This petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No. 175 dated 21.6.2014, registered under Sections 323, 324, 452, 506, 307, 148 & 149 IPC at Police Station Jodhewal, District Ludhiana City along with all the consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 26.5.2015, the following order was passed:

*"The instant petition has been filed under
Section 482 Cr.P.C seeking quashing of FIR No. 175 dated
21.06.2014, under Sections 323,324,452,506,307,148,149*

IPC, registered at Police Station Jodhewal, District Ludhiana City, on the basis of a compromise, which as per counsel has been entered into between the parties.

Counsel would submit that even though offence under Section 307 IPC has been cited but the compromise has been entered into at the very initial stage and during the course of investigation. Counsel would further submit that the settlement arrived at between the parties requires to be acted upon and would be covered in the light of the parameters laid down by the Hon'ble Apex Court in Narender Singh & Others Vs. State of Punjab and another, 2014, Vol.2, RCR (Criminal), 482.

List on 07.9.2015.

In the meanwhile, parties are directed to appear before the trial Court on 10.6.2015 for recording of their statements. A report as regards veracity of the compromise be furnished to this Court on or before the adjourned date."

Thereafter, the report of the Judicial Magistrate Ist Class, Ludhiana dated 13.7.2015 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 counsel for the petitioner has argued that even

though Section 307 IPC has been invoked, the fact of the matter is that the injuries are simple. Learned Deputy Advocate General has also accepted the fact that the injuries on the persons are simple.

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 petitioners.

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

(Ajay Tewari)
Judge

September 7, 2015

"DK"