

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

**C.R.M-M No.38011-2015
Date of Decision : 30.11.2015**

Dalbir Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. B.S.Sra, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Narinder Pal Singh, 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)

On 06.11.2015 the following order was passed:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.37 dated 11.04.2008 registered under Sections 498-A, 494, 406, 506 IPC, at Police Station Kathunangal, Amritsar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion. On the asking of the Court, Mr. Ashish Sanghi, Deputy Advocate General, Punjab, accepts notice on

behalf of respondent No.1.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned D.A.G. during the course of the day.

To come up on 30.11.2015. Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 13.11.2015 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the next date of hearing.

A copy of this order be given to the learned counsel for the petitioner under the signatures of the Bench Secretary.”

Affidavit of Tarlochan Kaur W/o Dalbir Singh, R/o Burj Ararian, Tehsil Batala, presently resident of village Pakharpur, District Amritsar has been filed and the same is taken record.

Thereafter, the report of the Additional Chief Judicial Magistrate, Amritsar dated 23.11.2015 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 petitioner. Trial Court is directed to release the passport and OCI (Overseas Citizenship of India) Card of the petitioner.

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

November 30, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**