

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

248

CRM-M-38209 of 2014
Decided on : 06.02.2015

Gurdeep Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.Gulzar Mohd, Advocate
for the petitioners.
Mr.Deepak Garg,AAG, Punjab.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

Ajay Tewari, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.145 dated 18.06.2014 registered under Sections 498-A, 506, IPC (Sector 328 IPC added later on) at Police Samrala, Police District Khanna, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition.

On 11.11.2014 the following order was passed:-

"The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.145 dated 18.06.2014 registered under Sections 498-A, 506 IPC (Section 328 IPC added later on) at Police Station Samrala, Police District Khanna, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) effected between the parties.

Notice of motion.

Mr. Deepak Garg, Assistant Advocate General,

Punjab, at the asking of the Court, accepts notice on behalf of respondent No.1. Learned counsel for the petitioners undertakes to supply a copy of the petition to the learned A.A.G. during the course of the day.

To come up on 06.02.2015.

Meanwhile, the parties are directed to be present before the Illaqa Magistrate on 12.12.2014 or 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”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Samrala dated 28.01.2015 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 petitioners.

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

[Ajay Tewari]
Judge

06.02.2015
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