

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M No. 38251 of 2014
Decided on : 06.02.2015

Babbu Singh @Tejwinder Singh and Ors.

... Petitioner

Versus

State of Punjab and Ors.

... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Deepak Aggarwal, Advocate
for the petitioners.
Mr. K.P.S. Gill, Addl. AG, Punjab.
Mr. P.K.S. Phoolka, Advocate
for the respondents No. 2 & 3.

- 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.169 dated 16.10.2014 registered under Sections 452, 324, 323, 34 IPC at Police Station Canal Colony Bathinda, District Bathinda 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 11th November 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.169 dated 16.10.2014 registered under Sections 452, 324, 323, 34 IPC at Police Station Canal Colony Bathinda, District Bathinda 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.

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, report of the Additional Chief Judicial Magistrate Bathinda has been received whereby the parties have recorded their statement in terms of the compromise Annexure P-2.

Learned counsel appearing on behalf of the complainant however, states that actually when the compromise was entered into between the parties, the petitioners had agreed on certain terms and conditions but they have not implemented the same, and in these circumstances, the FIR should not be quashed on the basis of compromise.

FIR was lodged on 16.10.2014. Thereafter a written compromise was entered into between the parties on 03.11.2014 after about 20 days. Subsequently, on 12.12.2014, the parties

appeared before the court and the complainant again reiterated the stand that the matter had been settled by compromise on 03.11.2014. Even thereafter a period of two months have elapsed. Neither any application was made to the court before whom statements were recorded nor before this Court alleging that the petitioners had actually obtained the compromise by promising something else but not delivering thereon.

Apart therefrom, if this kind of request is accepted, it would completely erode the sanctity not only of the written compromise but also of the statements recorded before the court.

In these circumstances, the request of learned counsel for the complainant to dismiss the petition cannot be accepted.

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
sarita