

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-38278 of 2014

Date of Decision: 01.09.2015

Devinder Kumar and Others

... Petitioners)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Ajay Tewari.

Present: Mr. J.K.Singla, Advocate
for the petitioner(s).

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

Mr. Rahul Sharma, Advocate
for Mr. Jatinder Singla, Advocate
for respondents No.2 to 4.

Ajay Tewari, J.

This petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No. 26 dated 24.4.2014, registered under Sections 365, 379, 427 & 34 IPC at Police Station Phul, District Bathinda along with all the consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Pursuant to the order dated 21.7.2015, Sub Divisional Judicial Magistrate, Phul has submitted the statement made by respondent No.4-Gurmail Singh.

On 23.1.2015, the following order was passed:

"Petitioners alleged to commit in theft of wheat crop of the complainant. The matter is stated to have compromised. Challan has not yet been presented.

Parties are directed to appear before the Illaqa Magistrate on 07.03.2015. The said Court will record the statements of the parties on said date or any other date convenient to the Court and send a report to this Court regarding the matter has been amicably resolved, without any threat or pressure of any of the parties.

For awaiting report, adjourned to 19.05.2015.."

Thereafter, the report of the Sub Divisional Judicial Magistrate, Phul dated 23.3.2015 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

September 1, 2015
"DK"