

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

**CRM-M No. 38653 of 2014 (O&M)**

**Date of decision :12.02.2015**

**Gursewak Singh**

**..... Petitioner**

**Versus**

**State of Haryana and another**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

Present: Mr.R.S.Dhull, Advocate

for the petitioner.

Mr.Deepak Garg, AAG, Punjab.

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**AJAY TEWARI, J. (Oral)**

This is a petition for quashing of FIR.

On 13.11.2014 the following order was passed:-

“ The present petition has been filed under Section 482 Cr.P.C.for quashing of F.I.R. No.49 dated 27.05.2013, registered under Sections 324, 341, 506, 323, 34 IPC and Section 326 IPC which was added later on, at Police Station Bahaw Wala, District Fazilka and all other consequential proceedings arising therefrom on the basis of compromise (Annexure P-3)effected between the parties.

Notice of motion.

Ms.Amarjit Kaur Khurana, Addl. AG, Punjab, on the asking of the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned Addl.AG during the course of the day.

Since the present petition is for quashing of FIR, the parties are directed to be present before the trial Court on the

date fixed or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not before the next date of hearing.

Adjourned to 12.02.2015 for awaiting the report of the trial Court..”

Thereafter, the report of the Judicial Magistrate 1<sup>st</sup> Class, Abohar dated 27.01.2015 has been received whereby he had mentioned that the parties had appeared before him and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. He has further intimated that no criminal case is pending against the accused. Learned AAG has accepted this fact.

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 F.I.R. No.49

dated 27.05.2013, registered under Sections 324, 341, 506, 323, 34 IPC and Section 326 IPC which was added later on, at Police Station Bahaw Wala, District Fazilka and all other proceedings arising therefrom are quashed qua the petitioner.

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

**( AJAY TEWARI )**

**JUDGE**

**February 12, 2015**

**sunita**