

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

CRM-M No. 39571 of 2014 (O&M)

Date of decision 23.02.2015

Ashok Kumar and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.G.S.Verma, Advocate for the petitioners.

Ms.Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr.Samuel Gill, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR .

On 19.11.2014 the following order was passed:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 207 dated 13.10.2014, under Sections 363, 366 IPC, registered at Police Station, Machhiwara, Police District Khanna, District Ludhiana on the basis of compromise (Annexure P-2).

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 Illaqa Magistrate/ trial Court on 19.12.2014 or any other date convenient to the

Magistrate/Court for recording their statements with regard to compromise. The Illaqa Magistrate/ 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 Illaqa Magistrate/ trial Court is also directed to send a report along with statements of the parties with regard to the 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 23.02.2015 for awaiting the report of the trial Court/ Illaqa Magistrate.”

Thereafter, the report of the Judicial Magistrate 1st Class, Samrala dated 29.01.2015 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 other case is pending against any of the parties. Learned Addl.AG 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 FIR No. 207

dated 13.10.2014, under Sections 363, 366 IPC, registered at Police Station, Machhiwara, Police District Khanna, District Ludhiana and all other proceedings arising therefrom are quashed qua the petitioners.

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

(AJAY TEWARI)

JUDGE

February 23, 2015

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