

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

**CRM-M-42906 of 2013 (O&M)
Date of Decision:16.01.2015**

Sudhir Kumar Kakkar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI.

Present: Mr. Malkiat Singh, Advocate for the petitioner.

Mr. Deepak Garg, AAG, Punjab.

Mr. Nirmaljit Singh Diwana, Advocate for respondent No.2.

- 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)

On 06.10.2014 the following order was passed:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 155 dated 10.08.2010, under Section 3(x) of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocities)Act, 1989, registered at Police Station, Morindar, District Rupnagar on the basis of compromise (Annexure P-2).

Since the present petition is for quashing of FIR, the parties are directed to be present before the trial Court on 13.10.2014 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 16.01.2015 for awaiting the report of the trial Court.”

Thereafter, the report of the Additional District and Sessions Judge, Rupnagar, dated 19.11.2014 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 petitioner.

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

16.01.2015

Mohan/prince

(AJAY TEWARI)
JUDGE