

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

**C.R.M-M No. 40950-2014 (O&M)
Date of Decision : 05.11.2015**

Sh.Jarnail Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Mr.Vishal Sharma, Advocate
for respondent No.2.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. 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.24 dated 19.02.1994 registered under Sections
406/409 IPC at Police Station Payal, District Khanna and all other
consequential proceedings arising therefrom.

On 13.03.2015 the following order was passed:-

*“Prayer in this petition is for quashing of FIR, charge
sheet and order declaring the petitioner proclaimed offender
on the ground of award of Lok Adalat (Annexures P-7 and
P-8).*

Learned counsel for the petitioner states that the outstanding amount of ₹ 31,38,250/- already stood deposited by the son of the petitioner. Initially the FIR was registered against co-accused Joginder Singh who was Secretary of the Society in respect of misappropriation of amount of ₹ 5,50,000/-.

He further states that Joginder Singh has since been acquitted in that case in appeal before the Additional Sessions Judge, Ludhiana. The present petitioner being Assistant Secretary of the Society was also arrayed as accused on account of special audit in the year 1992, finding him to have misappropriated an amount of ₹ 66,750/-.

Notice of Motion for 27.03.2015.

Dasti as well.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Payal dated 28.09.2015 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 the petitioner and order dated 06.05.2002 (Annexure P-4) declaring him as proclaimed offender is set aside.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

November 05, 2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**