

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.42665-2014 (O&M)
Date of Decision : 01.09.2015

Sanjeev Kumar @ Sanju & others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vikas Arora, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Ravinder 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.182 dated 24.09.2014 registered under Sections 326, 324 and 34 IPC at Police Station Rupnagar City and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 15.12.2014 the following order was passed:-

"Notice of motion for 24.2.2015.

This is a petition for quashing the FIR on the basis of compromise.

The parties are directed to appear before the trial Court/Illaqa Magistrate on 5.1.2015 and the trial Court/Illaqa Magistrate shall record the statement of all the effected parties and shall report whether any volunteer compromise has been arrived at between the parties or not ?

Report of the trial Court/Illaqa Magistrate in this regard be called for the date fixed."

On 24.02.2015 the following order was passed :-

"Learned counsel for the petitioners has submitted that parties could not appear before the trial Court.

So, the parties are again directed to appear before the trial Court/Illaqua Magistrate on 12.03.2015 and the trial Court/Illaqua Magistrate shall record the statement of all the effected parties and shall report whether any volunteer compromise has been arrived at between the parties or not?

Report of the trial Court/Illaqua Magistrate in this regard be called for 04.05.2015."

Thereafter, the report of the Chief Judicial Magistrate, Rupnagar dated 24.04.2015 has been received whereby she has mentioned that the parties had appeared before her 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

01.09.2015

Pooja Sharma-I