

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

Date of Decision : 20.11.2015

1) C.R.M-M No.4308 of 2015 (O&M)

Pardeep Kumar and another

..... Petitioners

Versus

U.T. of Chandigarh and another

..... Respondents

2) C.R.M-M No.4453 of 2015 (O&M)

Mohd. Naushad

..... Petitioner

Versus

U.T. of Chandigarh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Aman Rehal, Advocate &
Mr. Harish Goyal, Advocate
for the petitioner(s).

Mr. G.S. Chahal, A.P.P., U.T., Chandigarh.

None 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)

Since the matters are identical both the petitions are decided by
the common order.

The petition bearing CRM-M-4308-2015 has been filed for

quashing of FIR No.305 dated 29.06.2014, registered under Sections 420, 471, 474, 506, 467, 468, at Police Station Sector 34, Chandigarh and the petition bearing CRM-M-4453-2015 has been filed for quashing of FIR No.202 dated 20.04.2013 registered under Sections 448, 467, 468, 471, 201 IPC and Section 3(1) of S.C./S.T. Act, at Police Station Sector 34, Chandigarh alongwith all consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 08.07.2015 the following order was passed in CRM-M-4308-2015:-

“In view of the written request circulated on behalf of the petitioners, adjourned to 03.09.2015.

Parties are directed to be present before the trial Court on 22.07.2015 or any other date convenient to the Court for recording their statements with regard to compromise.

Interim order to continue.

Photocopy of this order be placed on the file of another connected case.”

Thereafter, the report of the Judicial Magistrate Ist Class, Chandigarh dated 15.09.2015 has been received whereby she has mentioned that the aforesaid parties had appeared before her and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

Learned APP for the U.T. Chandigarh has also 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, these petitions are allowed and the above said FIRs and all consequential proceedings arising therefrom are quashed qua petitioners.

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

November 20, 2015

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**(AJAY TEWARI)
JUDGE**