

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

CRM-M- 4556 of 2015 (O&M)

Date of Order: 28.09.2015

Gurdev Singh and Ors.

....Petitioners

Versus

State of Punjab and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms. Sukhpreet Kaur, Advocate for the petitioners.

Mrs. Amarjeet Kaur Khurana, Addl.A.G, Punjab.

AJAY TEWARI, J (ORAL)

On 11.02.2015 the following order was passed:-

“The present case is a case of version and cross version and separate petitions have been filed by the petitioners for quashing FIR No 60 dated 25.11.2014 for offences punishable under Sections 326, 324, 323, 341, 148 and 149 of the Indian Penal Code (in short, IPC) registered in Police Station Dhilwan, District Kapurthala and DDR No. 42 dated 25.11.2014 for offence punishable under Sections 325, 323, 148 and 149 IPC registered in the said FIR and proceedings emanating therefrom on the basis of compromise arrived at between the parties.

Counsel for the petitioners submits that injury constituting offence under Section 326 IPC is on non-vital part of the body i.e. ulna.

Notice of motion for 01.05.2015.

Parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to compromise/settlement on 12.03.2015.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

(1) number of persons arrayed as accused in FIR

(2)whether any accused is proclaimed offender.

(3)whether the compromise is genuine, voluntary, and without any coercion or undue influence.

Photo copy of the order be placed on the connected file.”

Thereafter, the report of the Judicial Magistrate 1st Class, Kapurthala dated 13.04.2015 has been received, which is attached in connected case bearing CRM-M-4536 of 2015, 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 petitioners.

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

September 28, 2015
manoj

(AJAY TEWARI)
JUDGE