

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No. 4947 of 2015 (O&M)

Date of decision :28.11.2015

Jatin Mehta

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mrs.G.K.Mann, Advocate for the petitioners.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

Ms.Pushpinder Kaur, Advocate for respondents No. 2 and 3.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR on the basis of compromise qua the petitioner only though there were other accused also .

On 13.02.2015 the following order was passed:-

“This is a petition for quashing of FIR No.204 dated 22.10.2014, under Sections 452, 323, 324, 148, 149 IPC, registered at Police Station C Division, District Amritsar City against the petitioner alone on the basis of compromise. Learned counsel has relied upon **Parambir Singh Gill v. Malkiat Kaur** reported as 2010(1) RCR(Criminal) 256 to canvass that even qua some of the accused FIR can be quashed on the basis of compromise.

Notice of motion.

Ms.Amarjit Kaur Khurana, Addl. AG, Punjab, on the asking of the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned Addl.AG during the course of the day.

Since the present petition is for quashing of FIR on the basis of compromise, the parties are directed to be present before the Illaqa Magistrate on 27.03.2015 or any other date convenient to the Magistrate for recording their statements with regard to compromise. The Illaqa Magistrate 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 Illaqa Magistrate 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 11.05.2015 for awaiting the report o the Illaqa Magistrate.”

Thereafter, the report of the Judicial Magistrate 1st Class, Amritsar dated 04.04.2015 has been received whereby she had mentioned that the parties had appeared before her and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. Learned Addl.AG has accepted this fact but has argued that this is a partial compromise and there is one more accused named Makhan who has not been made a party. To controvert this argument learned counsel for the petitioner has placed reliance on **Parambir Singh Gill v. Malkiat Kaur** reported as 2010(1) RCR(Criminal) 256 to canvass that even qua some of the accused FIR can be quashed on the basis of compromise.

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 pronouncements 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 FIR No.204 dated 22.10.2014, under Sections 452, 323, 324, 148, 149 IPC, registered at Police Station C Division, District Amritsar City and all other proceedings arising therefrom are quashed qua the petitioner.

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

(AJAY TEWARI)

JUDGE

November 28 , 2015

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