

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

**C.R.M-M No.5371 of 2015
Date of Decision : 15.12.2015**

Gurjit Singh @ Goldy and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. K. P. Singh, Advocate
for the petitioners.

Mr. Ashish Sanghi, D.A.G., Punjab.

Mr. Shokeen S. Sharma, Advocate
for the 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)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.56 dated 10.03.2012, registered under Sections 498-A, 376, 120-B IPC, at Police Station Kapurthala City, District Kapurthala (Punjab) and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 20.07.2015 the following order was passed:-

*“On the request of the learned counsel for the State,
adjourned to 15.12.2015.*

In the meantime, the parties are directed to be present

before the Illaqa Magistrate on 8.9.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The Illaqa Magistrate is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not a result of any pressure or coercion in any manner. It shall 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 case is pending against either of the parties or not before the next date of hearing.”

Thereafter, the report of the Chief Judicial Magistrate, Kapurthala dated 08.12.2015 has been received. In the report, he has mentioned that the aforesaid parties have appeared before him 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 Deputy Advocate General has also accepted these facts but states that the offence under Section 376 IPC has also been involved.

In my opinion, even though the offence mentioned in the FIR is under Section 376 IPC yet it is a dispute between husband and wife and I do not deem it appropriate to deny the relief of quashing of FIR.

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.

December 15, 2015

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**(AJAY TEWARI)
JUDGE**