

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

**1. C.R.M-M No.6240-2015 (O&M)
Date of Decision : 08.09.2015**

Kewal Singh & others Petitioners

versus

State of Punjab & others Respondents

**2. C.R.M-M No.6128-2015 (O&M)
Date of Decision : 08.09.2015**

Rajesh Kumar & others Petitioners

versus

State of Punjab & others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. G.S.Kaura, Advocate
for the petitioners (in CRM-M-6240-2015)

Mr. Navkiran Singh, Advocate
for the petitioners (in CRM-M-6128-2015)

Mr. Ashish Sanghi, DAG, Punjab.

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 order shall dispose of the above mentioned two petitions.

Since common questions of law and facts are involved therein, they are being decided by this common order. For the sake of convenience the facts are being taken from CRM-M-6240-2015.

These petitions have been filed under Section 482 Cr.P.C. for quashing of FIR No.111 dated 27.06.2013 under Sections 323/341/34/307 IPC registered at Police Station Sohana, District SAS Nagar, Mohali and cross case registered vide DDR No.11 dated 29.06.2013 under Sections 323/325/341/307/34 IPC and all consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 27.02.2015 the following order was passed :-

“Prayer in the present petition, filed under Section 482 of the Cr.P.C, is for quashing of FIR No.111, dated 27.06.2013, registered under Sections 323, 341, 34, 307 of the IPC, at Police Station Sohana, District SAS Nagar on the basis of a compromise, arrived at between the parties.

Notice of motion for 18.8.2015.

On the asking of the Court, Ms. Amarjit Kaur Khurana, Addl. A.G Punjab accepts notice on behalf of respondent No.1. Counsel for the petitioners undertakes to hand her over a copy of the petition during the course of the day. Meanwhile, the parties through their counsel are directed to appear before the trial Court on 10.03.2015, who will record their statements with regard to the compromise on the said date or on any other convenient date. The trial Court 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 trial Court 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 case is pending against either of the parties or not before the next date of hearing.”

Thereafter, the report of the Additional District and Sessions Judge, SAS Nagar, Mohali dated 27.03.2015 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, these petitions are allowed and the above said FIR/DDR 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

08.09.2015

Pooja Sharma-I