

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

**C.R.M-M No.7358-2015 (O&M)
Date of Decision : 20.08.2015**

Divanshi

..... Petitioner

Versus

State of Punjab & others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gurpreet Singh, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Vikasdeep Singh, Advocate
for respondents No.2 and 3.

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 is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.134 dated 16.06.2014, under Sections 279, 337 and 427 IPC, registered at Police Station Civil Lines, Patiala, District Patiala and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition.

On 09.03.2015 the following order was passed :-

“Notice of motion for 28.4.2015.

Parties will be at liberty to appear before the trial Court/Illaqa Magistrate on the date fixed or any other date convenient to the trial Court/Illaqa Magistrate to get their statements recorded with regard to genuineness of compromise. On doing so, the trial Court/Illaqa Magistrate will record their statements with regard to the compromise on the date fixed or some other date to be fixed by it and submit report to this Court by the next date by specifically stating whether the compromise is genuine and also state about the status/stage of the case. The Court shall also mention whether any of the accused is proclaimed offender or quashing sought is by all the accused.”

On 28.04.2015 the following order was passed :-

“To await the report of trial Court/Illaqa Magistrate, adjourned to 20.8.2015.”

Thereafter, the report of the Judicial Magistrate Ist Class, Patiala dated 22.04.2015 has been received 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 petitioners.

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

20.08.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**