

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

**C.R.M-M No.7569 of 2015
Date of Decision : 30.09.2015**

Amanbir Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Naveen Bawa, Advocate
for the petitioners.

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

Mr. Tanmoy Gupta, Advocate
for respondents No.2 to 7.

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 for quashing of FIR No.38 dated 30.05.2008 registered under Sections 323, 324, 336, 148, 149 IPC (Section 325 IPC was added later on), at Police Station Gharinda, District Amritsar, alongwith all consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Learned Deputy Advocate General has however argued that in the FIR there is also one allegation that polling agent had been asked to leave by threatening him and that person has not been impleaded as a party.

Learned counsel for the petitioners states that the polling agent Sukhdev Singh was never examined by the police even as a witness and not mentioned even in the list of witnesses. His name is not mentioned even in the challan and in these circumstances he is neither a necessary nor proper party. I find this submission to be correct.

On 03.08.2015 the following order was passed:-

“Report of learned Judicial Magistrate Ist Class, Amritsar alongwith copies of the statements of persons named at serial No.1 to 27 has been received but among them also the statement of person namely Balwinder Singh son of Gurbachan Singh named at serial no.27 is not attached with the report. The statements of complainant and other injured has not been sent. Let fresh report of Judicial Magistrate Ist Class, Amritsar be called for 30.09.2015 with regard to the statements of the parties recorded by her.”

Thereafter, the report of the Civil Judge, Jr. Divn. Amritsar dated 28.09.2015 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, 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.

September 30, 2015

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**(AJAY TEWARI)
JUDGE**