

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

**C.R.M-M No.8245 of 2015
Date of Decision : 05.12.2015**

Joginder Pal and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Kuldeep Joshi, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Mr. Nikunj Dhawan, Advocate
for 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.46 dated 02.05.2013, registered under Sections 379, 341, 447, 506, 34 IPC, at Police Station Old Shalley, Gurdaspur and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 29.10.2015 the following order was passed:-

“As per office report, fresh report from the trial Court has not been received. Learned counsel for the

petitioners states that as per his instructions the statement of the complainant-respondent No.2 has been recorded on 22.09.2015. Let the concerned court submit its explanation by way of fax as to why the report in this regard has not been sent as yet. Report be also sent before the next date of hearing.

Adjourned to 05.12.2015.”

Thereafter, the report of the Judicial Magistrate Ist Class, Gurdaspur as well as the explanation have been received. The explanation is accepted. In the report, he has mentioned that the aforesaid parties has 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 Additional Advocate General has also accepted this fact.

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 05, 2015

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**(AJAY TEWARI)
JUDGE**