

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.9091 of 2015 (O&M)

Date of decision :16.10.2015

Sarmod Kumar & others

..... Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Prashant vashisth, Advocate for the petitioners.

Mr.Ashish Sanghi, DAG, Punjab.

Mr.V.K.Kaushal, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No. 40 dated 27.1.2015, under Sections 452, 323, 427, 506, 148, 149 IPC registered at Police Station Jodhewal, Ludhiana City on the basis of compromise.

On 27.04.2015 the following order was passed:-

“ Parties concerned to appear before the trial Court on 13.05.2015, who shall record their statements regarding the compromise along with the opinion about the genuineness of the same. A report shall be made after doing the needful with further report as to whether any of the accused was declared proclaimed offender at any stage and whether or not any other criminal case is pending against the accused.

List on 23.07.2015.”

Thereafter, the report of the Judicial Magistrate 1st Class, Ludhiana dated 07.09.2015 has been received whereby he had mentioned that the parties had appeared before him and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. He has further reported that no other criminal case or P.O.

proceeding is pending against any of the accused. Learned DAG has

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 *FIR No. 40 dated 27.1.2015, under Sections 452, 323, 427, 506, 148, 149 IPC registered at Police Station Jodhewal, Ludhiana City* and all other proceedings arising therefrom are quashed qua the petitioners.

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

(AJAY TEWARI)

JUDGE

October 15, 2015

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