

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

C.R.M-M No.9314 -2015

Date of Decision : 03.11.2015

Tejinder Singh @ Dhanna

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Mukesh Kumar, Advcoate
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)

The present petition has been filed under Section 482 Cr.P.C.
for quashing of F.I.R. No.25 dated 03.05.2014 registered under Sections
279/337/338/304-A IPC at Police Station Nurmehal, District Jalandhar 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 23.03.2015 the following order was passed:-

“The instant petition is for quashing of FIR in question on the basis of the compromise arrived at between the parties.

Notice of motion.

At the asking of the Court Ms. Simsi Dhir Malhotra, DAG, Punjab accepts notice and seeks time.

Mr. Mukesh Kumar, Advocate has appeared and filed his power of attorney on behalf of respondents No.2 and 3. He has also admitted the factum of compromise.

In view of the matter, the parties shall appear before the trial Court/area Magistrate on 09.04.2015 for getting their statements recorded with regard to the compromise arrived at between them. The learned trial Court/ area Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit his report well before the next date of hearing.

Posted to 18.05.2015.”

Thereafter, the report of the Judicial Magistrate 1st Class, Phillaur dated 15.04.2015 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 the petitioner.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

November 03, 2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**