

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-9988 of 2015

Date of Decision: 31.08.2015

Balwinder Singh

... Petitioners)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Ajay Tewari.

Present: None for the petitioner(s).

Mr. Ashish Sanghi, Deputy Advocate
General, Punjab for respondent No.1.

Ajay Tewari, J.

This petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No. 14 dated 17.1.2012, registered under Sections 452, 323, 292(2), 506, 148 & 149 IPC at Police Station Moga City, District Moga along with all the consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 11.5.2015, the following order was passed:

"Mr. B.S.Seemar, Advocate has put in appearance on behalf of respondent No.2 and filed power of attorney.

Counsel for the petitioner submits that cancellation report has been filed in the present case, but the same was not accepted by the Chief Judicial Magistrate, Moga for the reasons that some of the offences are non-compoundable.

Adjourned to 06.08.2015.

Let the parties now appear before the trial Court on 10.07.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial court is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not before the next date of hearing."

Thereafter, the report of the Chief Judicial Magistrate, Moga dated 13.07.2015 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.

(Ajay Tewari)
Judge

August 31, 2015

"DK"