

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.11017 of 2016 (O&M)
Date of Decision : 23.08.2016

Sukhdev Singh and others Petitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Shivraj Angi, Advocate for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of DDR No.45 dated 07.09.2012 under Sections 323/148/149 IPC (325 IPC added later on) in case F.I.R. No.156 dated 07.09.2012 registered under Sections 323/148/149 IPC, at Police Station Sadar, Fazilka, District Fazilka and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 31.03.2016 the following order was passed :-

“Learned counsel for the petitioners contends that the parties have compromised the matter and the trial is at the

stage of prosecution evidence.

Notice of motion for 07.07.2016.

Mr. Ashish Sanghi, DAG, Punjab accepts notice on behalf of the State.

Reply on behalf of the State be filed within three weeks.

In the meanwhile, the parties are directed to appear before the trial court, which shall record the statements of the parties and report to this Court whether the compromise effected between the parties is genuine and without any pressure.”

Thereafter, the report of the Judicial Magistrate 1st Class, Fazilka dated 19.05.2016 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.

Learned Deputy Advocate General has also accepted this fact.

The 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 DDR, FIR and all consequential 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**

23.08.2016

Pooja sharma-I

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No