

283 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No. 11145 of 2016 (O&M)
Date of Decision : 12.07.2016

Ashok Kumar and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sunil Agnihotri, Advocate for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Vishal Munjal, Advocate for the complainant.

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.173 dated 22.11.2014 registered under Sections 452, 324, 34 IPC, at Police Station Mukerian, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise (Annexure P-I) effected between the parties.

On 01.04.2016 the following order was passed :-

“Learned counsel for the petitioners states that the parties have compromised the matter. The offences committed in this case are punishable under Sections 452, 324 read with Section 34 IPC.

Notice of motion.

Mr. Ashish Sanghi, DAG, Punjab accepts notice on behalf of the State and Mr. Vishal Munjal, Advocate has appeared for respondent No.2.

Reply be filed within four weeks.

Adjourned to 12.07.2016.

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, Mukerian dated 19.04.2016 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 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.

July 12, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**