

261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.11725 of 2016 (O&M)

Date of Decision : 26.09.2016

Surinder Kumar and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Pawan Gutpa, Advocate for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

On 14.07.2016 the following order was passed :-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 269 dated 29.09.2015, under Sections 323/324/342/506/34 IPC and Section 326 IPC added later on registered at Police Station, Salem Tabri, District Ludhiana on the basis of compromise (Annexure P-2).

Adjourned to 26.09.2016.

In the meantime let the parties appear before the Chief Judicial Magistrate/Illaq Magistrate on 22.07.2016

or any other date convenient to the Magistrate for recording their statements with regard to compromise. The Magistrate is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Magistrate 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 Judicial Magistrate 1st Class, Ludhiana dated 17.09.2016 has been received in a connected case bearing No.**CRM-M-11790-2016** whereby he has mentioned that the parties had appeared before him 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.

26.09.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No