

277 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No. 11761 of 2016 (O&M)
Date of Decision : 01.08.2016

Jaskaur Singh @ Bhola and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Manpreet, Advocate for
Mr. Aman Dhir, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Shakinderpal Singh Chakkal, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

On 05.04.2016 the following order was passed :-

“The petitioners seek quashing of the FIR in question on the basis of compromise. The offences committed in this case are punishable under Sections 452, 323 read with Section 34 IPC.

Notice of motion for 18.07.2016.

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

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

In the meanwhile, the parties are directed to appear before the learned Illaqa Magistrate, who 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 Additional Chief Judicial Magistrate, Sri Muktsar Sahib dated 17.05.2016 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 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.

August 01, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No