

272 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. **C.R.M-M No. 11846 of 2016 (O&M)**
Date of Decision : 26.07.2016

Shahdeen and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

2. **C.R.M-M No. 13110 of 2016 (O&M)**

Reshma and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Jagatpal Singh Banwait, Advocate for
 Mr. Sarju Puri, Advocate
 for the petitioners (CRM-M-11846 of 2016).

Mr. Ashish Sanghi, DAG, Punjab.

Mr. C.S.Jattana, Advocate
for the respondent No.2 (CRM-M-11846 of 2016)
for the petitioners (CRM-13110 of 2016).

AJAY TEWARI, J. (Oral)

This order shall dispose of above referred two petitions.

For the sake of convenience the facts are being taken from

CRM-M-11846 of 2016.

The petition bearing No.**CRM-M-11846 of 2016** has been filed

under Section 482 Cr.P.C. for quashing of F.I.R. No.11 dated 05.04.2013

registered under Sections 307/323/324/341/34 IPC (challan presented under Sections 341, 323, 34 IPC), at Police Station Pojewal, District SBS Nagar and all other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) effected between the parties.

Whereas petition bearing No. **CRM-M-13110 of 2016** has been filed for quashing of FIR No.11 dated 05.04.2013 registered under Sections 323/324/148/149 IPC, at Police Station Pojewal, District SBS Nagar and all other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) effected between the parties.

On 06.04.2016 the following order was passed in CRM-M-11846 of 2016 :-

“Learned counsel for the petitioners states that in this case challan has been presented under Sections 341, 323 read with Section 34 IPC. Now the parties have compromised the matter. The trial is going on.

Notice of motion for 26.07.2016.

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

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

The parties are directed to appear before the lower 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 Sub Divisional Judicial Magistrate, Balachaur dated 13.06.2016 has been received 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 counsel for the petitioners states that Section 307 IPC has not been included in the challan.

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 26, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No