

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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C.R.M-M No.13922 of 2016 (O&M)
Date of Decision : 23.12.2016

Harinder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. M.S.Atwal, Advocate and
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr. Imran Farooqi, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

On 12.07.2016 the following order was passed:-

“The petition bearing CRM-M-13922-2016 has been filed under Section 482 Cr.P.C. for quashing of DDR No.036 dated 23.02.2016 for an offence under Sections 307, 323, 148, 149 IPC and Sections 25, 54 and 59 of the Arms Act, at Police Station Dasuya, District Hoshiarpur and petition bearing CRM-M-14108-2016 has been filed for quashing of FIR No.18 dated 20.02.2016 registered under Sections 323, 324, 307, 148, 149 IPC, at P.S. Dasuya, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion. On the asking of the Court, Ms. Amarjit Kaur Khurana, Additional Advocate General, Punjab, accepts notice on behalf of the respondent No.1.

Learned counsel for the petitioners undertake to supply a copy of the petition to the learned Addl.A.G. during the course of the day.

*At the very outset, the learned Additional Advocate General has argued that in this case the offences are under Section 307 IPC and as per the judgment passed in the case of **Narinder Singh and others vs. State of Punjab and another, 2014(2) R.C.R. (Criminal) 482** it cannot be compounded.*

On the other hand, learned counsel for the petitioners have argued that in that case the Hon'ble Supreme Court has not laid down any absolute principle.

To come up on 13.09.2016. Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 16.08.2016 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties or not before the next date of hearing.

A photocopy of this order be placed on files of the connected cases.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Dasuya dated 06.10.2016 has been received. In the report, he has mentioned that the aforesaid parties have appeared before him and has

attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

The Hon'ble 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 petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

December 23, 2016
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No