

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

C.R.M-M No.14027 of 2016 (O&M)

Date of Decision : 15.11.2016

Sachin Lovely

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. G.S.Rawat, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.40 dated 18.02.2013 registered under Section 309 IPC at Police Station Bawa Khel, Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 27.04.2016 the following order was passed :-

“After going through the FIR in question, notice of motion be issued to respondents to put in appearance.

On asking of the Court, Mr. Ashish Sanghi, Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State.

Mr. G.S. Rawat, Advocate, has put in appearance on behalf of respondent No. 2 and filed Vakalatnama on her behalf.

The State is directed to file reply before the next date of hearing.

List on 11.8.2016.

In the meanwhile, both the parties are directed to appear before the trial Court, which shall record the statements of both the parties and report back to this Court whether the compromise is genuine or without any pressure.”

On 11.08.2016 the following order was passed :-

“Report from Trial Court has not been received. It is stated that inadvertently parties could not appear before the Trial Court.

The parties are directed to be present before the Trial Court on 17.09.2016 for recording their statements with regard to compromise.

Trial Court is 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 before

the next date of hearing.

To come up on 15.11.2016.”

Thereafter, the report of the Civil Judge (Jr. Divin.)-cum-Judicial Magistrate 1st Class, Jalandhar dated 21.09.2016 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 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 petitioner.

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

15.11.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No