

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

**C.R.M-M No.13086 of 2015 (O&M)
Date of Decision : 24.09.2016**

Harshveer Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. J.S.Dadwal, Advocate for the petitioners.

Mr. K.S.Pannu, DAG, Punjab.

Mr. Rajiv Sharma, Advocate for
Mr. Parneet Singh, 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.65 dated 19.03.2015 registered under Sections 323/295/148/149 IPC and Sections 25/27/54/59 of Arms Act, at Police Station Dakha, District Ludhiana (Rural), Punjab and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 26.07.2016 the following order was passed :-

“Learned counsel for the petitioners states that after the last date the petitioner No.2 has appeared in FIR No.73 dated 13.05.2015 under Sections 382/506 IPC and Sections 25/27/54/59 of the Arms Act at Police Station PAU, Ludhiana and released on bail.

To come up on 24.09.2016.

In the circumstances, I deem it appropriate to direct the parties to be present before the trial Court on the date fixed which is stated to be 28.07.2016 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 before the next date of hearing.

Copy of this order be given dasti to the learned counsel for the petitioners under the signatures of the Bench Secretary.”

Thereafter, the report of the Judicial Magistrate (1st Class),

Ludhiana dated 21.09.2016 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.

24.09.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No