

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

**C.R.M-M No.14934 of 2016 (O&M)
Date of Decision : 07.12.2016**

Major Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Arti Kataria, Advocate for
Mr. D.S.Gandhi, Advocate
for the petitioner.

Mr. R.S.Randhawa, Addl. A.G., Punjab.

Mr. Vikas Gupta, Advocate
for the LR's of the complainant.

AJAY TEWARI, J. (Oral)

On 02.06.2016 the following order was passed :-

“Prayer in the present petition under Section 482 Cr.PC is for quashing of FIR No.88 dated 30.05.2010 for offences punishable under Sections 323, 324, 34 of IPC and later on added Section 326 IPC registered with Police Station Lopoke, District Amritsar on the basis of compromise dated 24.02.2016 (Annexure P-2 Colly).

Notice of motion for 08.08.2016.

At this stage Mr. Vikas Gupta, Advocate has put in appearance on behalf of the Lrs of the complainant by filing power of attorney.

In the meanwhile parties are directed to appear before Illaqa Magistrate/Duty Magistrate concerned to get their statements recorded with regard to compromise. Learned

Illaq Magistrate/Duty Magistrate concerned is directed to record the statements of both the parties to its satisfaction to verify the validity and genuineness of the compromise effected between the parties and and submit a report to this Court before next date of hearing.

The Statements of the parties, however, shall be permitted to be recorded on payment of costs of Rs.5,000/- by the petitioners with District Legal Services Authority, Amritsar.”

Thereafter, the report of the Judicial Magistrate 1st Class, Ajnala dated 27.07.2016 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 Additional Advocate General has 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.

07.12.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No