

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

**Criminal Misc.No.M-15658 of 2016 (O&M)
Date of Decision : 26th October, 2016**

Sunny Bajaj

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.K.Khunger, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.45 dated 29.03.2016, registered under Section 307 IPC and Section 27 of the Arms Act, at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 09.05.2016, the following order was passed:-

“Prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.45 dated 29.03.2016 for offences punishable under Sections 307 IPC and Section 27 of Arms Act registered with Police Station City Sri Muktsar Sahib on the basis of Panchayati compromise dated 19.04.2016 (Annexure P-2)

Notice of motion for 03.06.2016.

In the meanwhile parties are directed to appear before

Criminal Misc.No.M-15658 of 2016 (O&M)

Illaq 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 subject a report to this Court before next date of hearing. Court concerned shall also furnish information as to whether any other case is pending against accused and that accused ever declared PO in the present case or not.

The statements of the parties, however, shall be permitted to be recorded on payment of costs of Rs.5,000/- by the petitioner with District Legal Services Authority, Sri Muktsar Sahib.”

Thereafter, the report of the Chief Judicial Magistrate, Sri Muktsar Sahib dated 15.09.2016 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.

Learned counsel for the petitioner has also stated that it is not an injury case, therefore, invocation of Section 307 IPC is highly debatable.

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

Criminal Misc.No.M-15658 of 2016 (O&M)

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 petitioner.

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

26th October, 2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No