

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No. 15800 of 2015 (O&M)

Date of decision :20.07.2016

Harwinder Singh alias Raja and others

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: None for the petitioners.

HC Sukhdev Singh in person.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No. 105 dated 25.08.2012, under Sections 384, 120-B IPC, registered at Police Station Sadar Phgwara, District Kapurthala on the basis of compromise.

On 16.03.2016 the following order was passed:-

“ Mr. S.S. Dhaliwal, Advocate has put in appearance on behalf of respondent no. 2. He prays for some time to file reply. Meanwhile, parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to compromise/settlement. Illaqa Magistrate/trial court is directed to submit a report on or before the next date of hearing containing the following information:-

- (i) number of persons arrayed as accused in FIR.*
- (ii) whether any accused is proclaimed offender.*
- (iii) whether the compromise is genuine, voluntary and without any coercion or undue influence.”*

Thereafter, the report of Judicial Magistrate 1st Class, Phagwara dated 06.07.2016 has been received whereby she had mentioned that the complainant and the accused had appeared before her and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. She

has further reported that no accused has been declared proclaimed offender in this case. HC Sukhdev Singh has accepted this fact.

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 IR No. 105 dated 25.08.2012, under Sections 384, 120-B IPC, registered at Police Station Sadar Phgwara, District Kapurthala and all other 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.

(AJAY TEWARI)
JUDGE

July 20, 2016
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