

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

**C.R.M-M No.17086 of 2016 (O&M)
Date of Decision : 14.09.2016**

Devi Chand and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Krishan Sehajpal, Advocate for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.62 dated 08.07.2011 registered under Sections 323/324/148/149/325 IPC, at Police Station Mehatpur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 18.05.2016 the following order was passed :-

“Learned counsel for the petitioners contends that in this case the parties have compromised the matter.

Notice of motion.

Mr.Ashish Sanghi, DAG Punjab accepts notice for the State and Mr.Kewal Krishan, Advocate accepts notice for respondent No.2.

Let both the parties to appear before the trial Court, who shall record the statements of the parties and report whether the compromise is genuine and without any pressure.

Adjourned to 13.9.2016.”

Thereafter, the report of the Judicial Magistrate 1st Class, Nakodar dated 10.06.2016 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 petitioners.

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

14.09.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No