

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

C.R.M-M No.17707 of 2016 (O&M)

Date of Decision : 15.09.2016

Harpreet Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rishabh Gupta, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr. Harmandeep Brar, Advocate for
Mr. Sudhir Aggarwal, 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.105 dated 24.06.2009 registered under Sections 323/324/34 IPC, at Police Station Mahilpur, District Hoshiarpur as well as quashing of the order dated 03.05.2011 declaring the petitioner as proclaimed offender and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties,

which is annexed as Annexure P-2 with the petition.

On 20.05.2016 the following order was passed :-

“Learned counsel for the petitioner contends that the petitioner has gone to Lebanon and was staying there. Four accused were tried for the commission of offences punishable under Sections 323, 324 read with Section 34 IPC and vide judgment dated 29.11.2011 (Annexure P-4) passed by learned Judicial Magistrate 1st Class, Hoshiarpur. Out of the four accused three have been acquitted as the complainant and the eye witness turned hostile. Now, the petitioner, who was declared as proclaimed offender during the trial on 03.05.2011 (Annexure P-2) has returned to India and effected a compromise with the complainant. The offences committed are punishable under Sections 323 and 324 read with Section 34 IPC.

In these circumstances, the operation of the impugned order dated 03.05.2011 (Annexure P-2), declaring the petitioner as proclaimed offender is stayed till the next date of hearing.

Notice of motion.

Mr. Ashish Sanghi, DAG, Punjab accepts notice on behalf of the State and Mr. Surender Garg, Advocate has put in appearance on behalf of respondent No.2.

Both the parties are directed to appear before the learned Illaqa Magistrate, who shall record the statements

of the parties and report to this Court whether the compromise effected between the parties is genuine and without any pressure.

Adjourned to 15.09.2016.”

Thereafter, the report of the Judicial Magistrate 1st Class, Hoshiarpur dated 17.08.2016 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 Additional 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, order declaring the petitioner as proclaimed offender 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.

15.09.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No