

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

CRM-M-18133-2016 (O&M)
Date of decision: 21.07.2016

Rchhpal Singh Gill & ors.

.... Petitioners

versus

State of Punjab & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ranjan Lakhanpal, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Harsh Garg, Advocate
for respondent No.2.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Ajay Tewari, J.(Oral)

This is a petition for quashing of FIR No.22 dated 19.02.2016 under Sections 323, 324, 506, 342 and 417 IPC registered at Police Station Sarabha Nagar, District Ludhiana on the basis of compromise.

On 23.05.2016 the following order was passed:-

"Learned counsel for the petitioners contends that in this case the parties have compromised the matter. Case is pending investigation.

Notice of motion.

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

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

Adjourned to 21.7.2016."

Thereafter, the report of the Chief Judicial Magistrate Ludhiana dated 01.06.2016 has been received whereby he had mentioned that the parties had appeared before him 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. Learned DAG 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 FIR No.22 dated 19.02.2016 under Sections 323, 324, 506, 342 and 417 IPC registered at Police Station Sarabha Nagar, District Ludhiana and all other 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.

July 21, 2016
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(AJAY TEWARI)
JUDGE