

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

CRM-M No.19361 of 2016 (O&M)

Date of decision :20.09.2016

Darshan Singh and another

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms.Kamaldeep Kaur, Advocate for the petitioners.

Mr.P.S.Paul, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 66 dated 05.08.2012, under Sections 324, 323, 34 IPC, registered at Police Station, Dharamgarh, District Sangrur on the basis of compromise. On 30.05.2016 the following order was passed:-

“ Petitioners seek quashing of FIR on the basis of compromise.

Notice of motion for 20.9.2016.

In case trial of the case is still pending, 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 dated 15.07.2016 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 the FIR No. 66 dated 05.08.2012, under Sections 324, 323, 34 IPC, registered at Police Station, Dharamgarh, District Sangrur 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.

(AJAY TEWARI)
JUDGE

September 20 , 2016
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No