

263 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.19892 of 2016 (O&M)
Date of Decision : 26.08.2016

Sameer Goyal

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Tarun Singla, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

On 02.06.2016 the following order was passed :-

“Present petition has been filed under Section 482 Cr.P.C seeking quashing of F.I.R No.31 dated 18.3.2016 under sections 406, 420 I.P.C, registered at Police Station, Phase-11, District S.A.S Nagar, on the basis of a compromise which as per counsel has been entered into between the parties.

Counsel would contend that the entire amount, as per allegations has since been returned to the complainant and the settlement has been arrived at at the very initial stage and during the course of investigation itself.

Notice of motion, returnable for 26.8.2016.

In the meanwhile, parties are directed to appear before the Illaqa Magistrate for recording of their statements on 14.6.2016. A report with regard to veracity of the compromise be furnished on or before the adjourned date.”

Thereafter, the report of the Judicial Magistrate 1st Class, Mohali dated 19.07.2016 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.

August 26, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No