

267 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.20596 of 2016 (O&M)

Date of decision :27.07.2016

Jasmeen Kaur

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.K.S.Brar, Advocate for the petitioner.

Mr.Ashish Sanghi, DAG, Punjab.

Mr.G.S.Simble, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR on the basis of
compromise.

On 06.06.2016 the following order was passed:-

“ The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of the FIR No. 0047, dated 30.03.2016, under Sections 279, 337, 427 of Indian Penal Code, 1860, registered at Police Station Phase-1, District SAS Nagar Mohali, and all the subsequent proceedings arising out of the same, on the basis of compromise by way of affidavit (Annexure P-2).

Notice of motion to all the respondents for 27.07.2016.

In the meanwhile, the parties are directed to appear before the learned Illaqa Magistrate for recording their statements with respect to the compromise on 07.07.2016.

The learned Illaqa Magistrate is directed to submit a report on or before the next date of hearing containing the following information:

- 1. number of the persons arrayed as accused in the FIR,*
- 2. whether any accused is proclaimed offender,*
- 3. whether the compromise is genuine, voluntary and without any coercion or undue influence,*
- 4. whether the settlement between the parties has any adverse affect upon any third party.*

The report of Illaqa Magistrate be awaited for the date fixed.”

Thereafter, the report of Chief Judicial Magistrate, SAS Nagar Mohali dated 13.07.2016 has been received whereby she had mentioned that the parties had appeared before her 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. She has further reported that there is only one accused in this case and is not declared proclaimed offender. 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. 0047, dated 30.03.2016, under Sections 279, 337, 427 of Indian Penal Code, 1860, registered at Police Station Phase-1, District SAS Nagar Mohali, 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 27, 2016
sunita

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No