

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

Criminal Misc.No.M-20611 of 2016 (O&M)

Date of Decision : 10th November, 2016

Mandeep Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Amit Sharma, Advocate for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab for the respondent(s)-State.

Mr. Manoj Kumar, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.58 dated 05.03.2010, registered under Section 324/34 IPC, at Police Station Sadar Ludhiana, District Ludhiana City and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 31.08.2016, the following order was passed:-

“To come up on 10.11.2016.

Parties are directed to be present before the trial Court/Illaq Magistrate on the date fixed i.e. 18.09.2016 or any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the

Criminal Misc.No.M-20611 of 2016 (O&M)

next date of hearing. ”

Thereafter, the report of the Judicial Magistrate Ist Class, Ludhiana dated 27.10.2010 has been received. In the report, she has mentioned that the aforesaid parties have appeared before her and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

On 31.08.2016, the following order was passed:-

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 petitioner.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

10th November, 2016

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Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No