

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

CRM-M No.2228 of 2016 (O&M)

Date of decision :08.09.2016

Ashish Abrol and others

..... Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Gautam Dutt, Advocate for the petitioners.

Mr.Ashish Sanghi, DAG, Punjab.

Mr.Rohit Sud, Advocate for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR.

On 13.07.2016 the following order was passed:-

“ This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 5 dated 10.01.2015, under Sections 420, 406, 468, 120-B IPC, registered at Police Station, Bawa Khel, Jalandhar City on the basis of compromise (Annexure P-3).

It is stated that the matter is now fixed before the Chief Judicial Magistrate, Jalandhar for 29.07.2016. Let the parties now appear before him on 29.07.2016 for getting their statements recorded. The Chief Judicial Magistrate is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Magistrate is also

directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not before the next date of hearing. Let the report of the Chief Judicial Magistrate be awaited in this regard for 08.09.2016. If the statements are recorded, further proceedings shall remain stayed.”

Thereafter, the report of Judicial Magistrate 1st Class, Jalandhar dated 01.08.2016 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. He has further reported that no other case is pending between the parties except a cross-version. 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 This is a petition

filed under Section 482 Cr.P.C. for quashing of FIR No. 5 dated 10.01.2015,
under Sections 420, 406, 468, 120-B IPC, registered at Police Station, Bawa
Khel, Jalandhar City 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 08 , 2016
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No