

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

**1. C.R.M-M No.22566 of 2016 (O&M)
Date of Decision : 14.09.2016**

Amritpal Singh and others Petitioners

Versus

State of Punjab and another Respondents

2. C.R.M-M No.22568 of 2016 (O&M)

Jobanpreet Singh and others Petitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Pinki, Advocate for Ms. Rupinder K.Thind, Advocate
for the petitioners (CRM-M-22566 of 2016)
for respondent No.2 (CRM-M-22568 of 2016).

Mr. Vishal Goel, Advocate
for the petitioners (CRM-M-22568 of 2016)
for respondent No.2 (CRM-M-22566 of 2016)

Mr. Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This order shall dispose of the above mentioned two
petitions. Since common questions of law and facts are involved therein,

they are being decided by this common order. For the sake of convenience the facts are being taken from CRM-M-22566 of 2016.

On 08.07.2016 the following order was passed :-

“The present petitions have been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.152 dated 30.10.2013, registered under Sections 341, 323, 34 IPC, at P.S. Chatiwind, District Amritsar and a cross case arisen out of the aforesaid FIR alongwith all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition.

Notice of motion. On the asking of the Court, Ms. Amarjit Kaur Khurana, Additional Advocate General, Punjab, accepts notice on behalf of the respondent No.1.

Learned counsel for the petitioners undertakes to supply a copy of the petition to the learned Addl.A.G. during the course of the day.

To come up on 13.09.2016. Meanwhile, the parties are directed to be present before the trial Court on the date fixed which is stated to be 12.07.2016 or on 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 and proclamation proceedings is pending against either of the parties or not before the next date of hearing.

A copy of this order be given to the learned counsel for the petitioners under the signatures of the Bench Secretary.

A photocopy of this order be placed on file of the connected case.”

Thereafter, the reports of the Judicial Magistrate 1st Class, Amritsar dated 02.08.2016/09.09.2016 have been received whereby she has mentioned that the parties had appeared before her 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, these petitions are 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.

14.09.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No