

359 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.22798 of 2016 (O&M)
Date of Decision : 14.09.2016

Bhupinder Kaur and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Yogesh Gupta, Advocate for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

On 11.07.2016 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of complaint No.1 dated 23.01.2004 registered under Sections 420/467/468/471/386/120-B IPC at Police Station Sultanwind, Amritsar, District Amritsar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-1 with the petition.

Notice of motion.

Mr. K.S.Pannu, Deputy Advocate General, Punjab, at the asking of the Court, accepts notice on behalf of respondent No.1-State.

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

To come up on 14.09.2016.

Meanwhile, the parties are directed to be present before the CJM/Illaqa Magistrate on the date fixed i.e. 28.07.2016 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 next date of hearing.”

Thereafter, the report of the Chief Judicial Magistrate,

Sangrur dated 01.08.2016 has 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, this petition is allowed and the above said complaint 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