

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.266

CRM-M-23005-2016

Date of decision : 22.09.2016

DAVINDER SINGH AND ORS

...PETITIONERS

VS

STATE OF PUNJAB AND ORS

...RESPONDENTS

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. M.S.Sidhu Advocate
for the petitioners.

Mr. P.S. Paul, DAG, Punjab.

AJAY TEWARI, J (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of the DDR No.36 in FIR No. 188 dated 19.09.2014.

On the last date of hearing, the following order was passed:

The present petition has been filed under Section 482 Cr.P.C. for quashing of cross case registered vide DDR No.36 dated 19.09.2014 under Sections 341, 323, 148, 149 IPC at P.S. Machhiwara in F.I.R. No.188 dated 19.09.2014, under Sections 324, 341, 323, 506, 148, 149 IPC registered at Police Station Machhiwara, Police District Khanna and all other consequential proceedings arising therefrom on the

basis of compromise effected between the parties, which is annexed as Annexure P-3 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.

Mr. V.P.S. Mithewal, Advocate has entered appearance on behalf of respondent No.2.

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

To come up on 22.09.2016. Meanwhile, the parties are directed to be present before the Illaqa Magistrate on 17.08.2016 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.

Thereafter, the report of Sub-Divisional Judicial Magistrate dated 22.08.2016 has been received to the effect that the matter has been compromised between the parties.

Counsel for the parties have also stated that in fact the matter has been compromised between the parties amicably. Counsel for the State has also confirmed this fact and states that there is no other case pending between the parties.

In view of the facts, noticed herein above, it is apparent that both the parties have arrived at a bona fide settlement. I am of the opinion that it would be in the interest of justice, as also in the interest of parties, if the present FIR and all subsequent proceedings, emanating therefrom are quashed. It is a fit case where this Court should exercise jurisdiction, under Section 482 of the Cr.P.C to put an end to these futile criminal proceedings.

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, the present petition is allowed and DDR No.36 dated 19.09.2014 under Sections 341, 323, 148, 149 IPC at P.S. Machhiwara in F.I.R. No.188 dated 19.09.2014, under Sections 324, 341, 323, 506, 148, 149 IPC registered at Police Station Machhiwara, Police District Khanna and all subsequent proceedings, emanating therefrom, are quashed.

September 22, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No