

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.266-A

CRM-M-23417-2016

Date of decision : 27.09.2016

KULDEEP SINGH AND ORS

...PETITIONERS

VS

STATE OF PUNJAB AND ORS

...RESPONDENTS

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr Tapish Gupta Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of the Criminal Complaint No.25/1 dated 10.03.2015.

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

The petition bearing CRM-M-22963-2016 has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.25 dated 27.01.2015 registered under Sections 307 IPC, at Police Station Samrala, District Khanna and the petition bearing CRM-M-23417-2016 has been filed under Section 482 Cr.P.C. for quashing of complaint No.25/1 dated 10.03.2015 under Sections 323, 325, 34 IPC and all other consequential

proceedings arising therefrom on the basis of compromise effected between the parties.

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 opposite counsel during the course of the day.

To come up on 27.09.2016. Meanwhile, the parties are directed to be present before the trial Court on the date fixed which is stated to be 20.07.2016 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 before the next date of hearing.

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

Thereafter, the report of Sub-Divisional Judicial Magistrate, Samrala dated 22.07.2016 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 criminal complaint No.25/1 dated 10.03.2015 under Sections 323, 325, 34 IPC at Police Station Samrala, District Khanna in F.I.R. No.25 dated 27.01.2015 registered under Sections 307 IPC, at Police Station Samrala, District Khanna and all subsequent proceedings, emanating therefrom, are quashed.

September 27, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No