

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No. 2354 of 2016 (O&M)
Date of Decision : 09.08.2016

Gursewak Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.S.Sekhon, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Anmol Singh, Advocate for
Mr. Amandeep Saini, Advocate
for respondents No.2 and 3.

AJAY TEWARI, J. (Oral)

On 22.01.2016 the following order was passed :-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.216 dated 18.8.2015 under Sections 295-A/452/506/148/149 IPC registered at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-1) and other consequential proceedings arising therefrom on the basis of compromise dated 29.12.2015 (Annexure P-2).

Notice of motion for 22.3.2016.

In the meantime, keeping in view the compromise dated 29.12.2015 (Annexure P-2), the parties are directed to appear before Illaqa Magistrate/trial Court, for recording of their respective statements with regard to compromise, on

12.2.2016. The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- i) Number of persons arrayed as accused in FIR.*
- ii) Whether any accused is proclaimed offender.*
- iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

Thereafter, the report of the Additional Chief Judicial Magistrate, Ferozepur dated 03.03.2016 has been received whereby he has mentioned that the parties had appeared before him 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 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.

August 09, 2016

Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No