

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

**C.R.M-M No.24315 of 2016
Date of Decision : 26.09.2016**

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Twinkle Sharma @ Manu Sharma

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. D.S. Sandhu, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Ms. Mandeep Kaur, Advocate
for respondent No.2.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

On 21.07.2016 the following order was passed:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.72 dated 07.06.2016 registered under Sections 420/506 IPC at Police Station Sadar, District Kapurthala and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

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 whereas Ms.Mandeep Kaur, Advocate has entered appearance on behalf of respondent No.2.

Learned counsel for the petitioner undertakes to supply requisite copies of the petition to both the learned counsel during the course of the day.

To come up on 26.09.2016.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on the date fixed i.e. 10.08.2016 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court/Illaq Magistrate 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 trial Court/Illaq Magistrate 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 Additional Chief Judicial Magistrate, Kapurthala dated 03.09.2016 has been received. In the report, she has mentioned that the aforesaid parties have appeared before her and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

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, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua petitioner.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

September 26, 2016

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**(AJAY TEWARI)
JUDGE**