

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24744-2016

Date of Decision: September 8, 2016

Nirmal Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. D.S. Randhawa, Advocate,
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab,
for respondent No. 1.

Mr. Narender Singh, Advocate,
for respondent No. 2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 170 dated 09.08.2009, registered under Sections 148, 447 and 506 read with Section 149 IPC, at Police Station Beas, District Amritsar Rural and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 25.07.2016 the following order was passed:-

“ Petitioners seek quashing of FIR on the basis of compromise.

It has, inter alia, been contended by the counsel for the petitioner that a report (Annexure P2) has been brought to the

notice of the petitioners on the basis of an information supplied under the Right to Information Act, that a cancellation report had been filed on 7.4.2010 but no detailed particulars of such filing were available. The FIR is of the year 2009.

Notice to the respondent for 8.9.2016, for a report regarding (i) status of the investigation (ii) whether any cancellation report was prepared and presented (iii) in case any cancellation report was presented, the result of the same and (iv) whether the petitioners are required for any purpose by the prosecution agency on the basis of the FIR which was registered against them in the year 2009.

It is further directed that in case challan has not been presented, the investigating officer shall record the statement of the complainant or any other affected party within a period of 15 days regarding compromise, if any, arrived at between the parties.

On asking of the Court, notice has been accepted by Ms. H.K. Athwal, DAG., Punjab, present in the Court. Copy given.

Learned counsel for the State on instructions from ASI Balwinder Singh stated that in compliance of the order dated 25.07.2016 the statements of the affected parties with regard to the compromise have been recorded and he has no objection if the impugned FIR is quashed on the basis of the compromise.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (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 petitioners.

(AJAY TEWARI)
JUDGE

September 8, 2016
Pkapoor

Whether Speaking/Reasoned:
Whether Reportable:

✓YES / NO
YES / NO✓