

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

Criminal Misc.No.M-24764 of 2016 (O&M)
Date of Decision : 09th November, 2016

Ravinder Singh alias Binderjit Singh alias Binderjita and others
..... Petitioners

Versus

State of Punjab and another
..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Kanwaljeet Singh Brar, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab
for the respondent(s)-State.

Mr. S.S.Gurna, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.38 dated 08.05.2016 registered under Sections 307, 380, 458, 427, 148, 149 IPC and Section 25 of the Arms Act, at Police Station City Raikot District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 23.07.2016, the following order was passed:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.38 dated 08.05.2016 registered under Sections 307, 380, 458, 427, 148, 149 IPC and Sections 25, 54 and 59 of the Arms Act, at Police Station City Raikot and all other consequential proceedings arising therefrom on the basis of compromise effected between the

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parties, which is annexed as Annexure P-2 with the petition.

Learned counsel has argued that though Section 307 IPC has been mentioned in the FIR but actually its a no injury case. Therefore, invocation of Section 307 IPC is itself doubtful.

Notice of motion. On the asking of the Court, Mr. K.S. Pannu, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent No.1.

Mr. S.S. Gurna, 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 05.10.2016. Meanwhile, the parties are directed to be present before the Illaqa Magistrate on 01.09.2016 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 the Judicial Magistrate Ist Class, Jagraon dated 12.09.2016 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.

Learned State counsel, on instructions from ASI Gurcharan Singh, has stated that it is a case of no injury.

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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 petitioners.

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

09th November, 2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No