

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

C.R.M-M No.24418 of 2014 (O&M)

Date of Decision : 15.09.2016

Kulwinder Kaur

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. P.S.Ahluwalia, Advocate for the petitioner.

Mr. K.S.Pannu, DAG, Punjab.

Mr. Rohan Mittal, Advocate for the complainant.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.168 dated 30.09.2009 registered under Sections 420/465/468/471/120-B IPC, at Police Station Garhshankar, District Hoshiarpur.

As per the FIR the petitioner claimed himself to be the owner of the property belonging to complainant and sold it to one Harpal Singh.

Learned counsel for the petitioner states that during the pendency of this petition Harpal Singh has returned the property back to

the complainant and the complainant has filed an affidavit dated 05.02.2016 stating that he does not wish to proceed with the case.

Learned Deputy Advocate General has however, pointed out that even if the complainant does not want to proceed with the case the real victim is now Harpal Singh to whom the property was sold and has stated that in this circumstances this FIR should not be quashed.

In my opinion, Harpal Singh would definitely have the right to take out appropriate proceedings against the petitioner but the present FIR deserves to be quashed in view of the judgment in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543.

The Supreme Court in **Gian Singh's** case (supra) 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 petitioner.

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

15.09.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No