

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

**Criminal Misc.No.M-25948 of 2016 (O&M)
Date of Decision : 06th October, 2016**

Bhola Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.D.S.Jatana, Advocate
for the petitioners.

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

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.86 dated 22.03.2015, registered under Sections 307, 323, 427, 120-B, 506 IPC, at Police Station Patti, District Tarn Taran, and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 01.08.2016, the following order was passed:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.86 dated 22.03.2015 (Annexure P-1) under Sections 307/323/427/120-B/506 IPC, at P.S. Patti, District Tarn Taran and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Learned counsel for the petitioner states that Section 307 has been wrongly invoked.

On the asking of the Court, Mr. Ashish Sanghi, DAG, Punjab accepts notice on behalf of respondent No.1.

To come up on 06.10.2016.

Meanwhile, the parties are directed to be present before the Illaqa Magistrate on 06.09.2016 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 before the next date of hearing.”

Thereafter, the report of the learned Sub Divisional Judicial Magistrate, Patti dated 17.09.2016 has been received. In the report, he has mentioned that the aforesaid parties have appeared before him 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.

As per FIR, it was a case where buses collided with each other but it was alleged that buses had been driven purposely. In these circumstances, Section 307 IPC is debatable.

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.

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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.

(AJAY TEWARI)
JUDGE

06th October, 2016
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Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No