

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

**Criminal Misc.No.M-26241 of 2016 (O&M)
Date of Decision : 06th October, 2016**

Shiva and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Surinder Kaur, 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.88 dated 05.07.2016, registered under Section 394 IPC, at Police Station Adampur, District Jalandhar and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 02.08.2016, the following order was passed:-

“This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.88 dated 05.07.2016, registered under Sections 394 IPC at Police Station Adampur, District Jalandhar on the basis of compromise dated 09.07.2016.

Notice of motion.

On the asking of the Court, Ms. Amarjit Kaur Khurana, Addl.A.G, Punjab, accepts notice on behalf of the respondent No.1.

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In the meantime, parties are directed to be present before the Chief Judicial Magistrate/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 dated fixed in the main case i.e. 06.10.2016.”

Thereafter, the report of the learned Judicial Magistrate Ist Class, Jalandhar, dated 04.10.2016 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.

Learned counsel for the petitioner has stated that Section 394 IPC would not be made out.

Actually what had happened is that accident had taken place. In these circumstances, Section 394 IPC would not be made out.

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

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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.

06th October, 2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No