

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.265

CRM-M-26516-2015

Date of decision : 25.10.2016

MOHD. SABIR AND ANOTHER

...PETITIONERS

VS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Shivroop Singh, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. J.S.Dadwal, Advocate
for respondent No.2.

AJAY TEWARI, J (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of the cross-version DDR No.12 dated 18.06.2003 under Sections 342, 323, 120-B, IPC and 25/54/59 Arms Act in FIR No. 310 dated 18.06.2003 under Section 452, 324, 34 IPC later on deleted Section 452 IPC and added Section 451 IPC registered at Police Station Basti Jodhewal, Ludhiana, Punjab as well as the subsequent proceedings arising out of the said FIR on the basis on the compromise.

Pursuant to the order of this Court dated 27.08.2016, report dated

22.09.2016 from Judicial Magistrate 1st Class, Ludhiana has been received

attesting to the fact that the matter has been compromised between the parties.

Counsel for the parties have also stated that in fact the matter has been compromised between the parties amicably. Counsel for the State has also confirmed this fact and states that there is no other case pending between the parties.

In view of the facts, noticed herein above, it is apparent that both the parties have arrived at a bona fide settlement. I am of the opinion that it would be in the interest of justice, as also in the interest of parties, if the present FIR and all subsequent proceedings, emanating therefrom are quashed. It is a fit case where this Court should exercise jurisdiction, under Section 482 of the Cr.P.C to put an end to these futile criminal proceedings.

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, the present petition is allowed and cross-version DDR No.12 dated 18.06.2003 under Sections 342, 323, 120-B, IPC and 25/54/59 Arms Act in FIR No. 310 dated 18.06.2003 under Section 452, 324, 34 IPC later on deleted Section 452 IPC and added Section 451 IPC registered at Police Station Basti Jodhewal, Ludhiana, Punjab and all subsequent proceedings, emanating therefrom, are quashed.

October 25, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No