

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

**Criminal Misc.No.M-27842 (O&M)
Date of Decision : 24th October, 2016**

Rakesh Kumar and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Mansur Ali, Advocate
for the petitioners.

Mr. K.S.Pannu, DAG, Punjab
for the respondent(s)-State.

None for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.123 dated 24.09.2011, registered under Sections 406, 420, 120-B IPC and Section 10 of Emigration Act, 1983, at Police Station Bullowal, District Hoshiarpur and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 16.08.2016, the following order was passed:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.123 dated 24.09.2011 registered under Sections 406, 420, 120-B IPC and Section 10 of Emigration Act, 1983, at Police Station Bullowal, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-3 with the petition.

Criminal Misc.No.M-27842 (O&M)

-2-

Notice of motion. On the asking of the Court, Mr. B.S. Thind, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent No.1.

Learned counsel for the petitioners undertakes to supply a copy of the petition to the learned A.A.G. during the course of the day.

To come up on 24.10.2016. Meanwhile, the parties are directed to be present before the trial Court on 14.09.2016 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.

In the meantime, the trial Court is directed to release the petitioners on interim bail to its satisfaction on their appearance. ”

Thereafter, the report of the Judicial Magistrate Ist Class, Hoshiarpur dated 16.09.2016 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.

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

Criminal Misc.No.M-27842 (O&M)

-3-

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.

24th October, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No