

255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.27872 of 2015 (O&M)
Date of Decision : 26.09.2016

Rubal Mahajan and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gaurav Partap S. Pathania, Advocate for the petitioners.

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

Mr.Amit Babbar, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

On 20.08.2015 the following order was passed :-

“Quashing of FIR in a case of assault, on the basis of compromise, has been prayed for.

Counsel for the petitioners claims that offence under Section 307 IPC has been deleted.

Notice of motion to the respondents for 2.11.2015.”

On 02.11.2015 the following order was passed :-

“This is a petition for quashing of FIR No.81 dated 13.06.2015 under Sections 307, 325, 323, 506 148, 149 IPC registered at Police Station Division No.2, District Pathankot, in which Section 307 IPC in the FIR stands deleted as per the information supplied by ASI-Hakam Singh.

Parties are directed to appear before the Illaqa Magistrate on 05.12.2015. The said Court on said date or any other date convenient to it, shall record the statements of the parties and send a report to its satisfaction that the matter has been compromised without any threat, coercion or undue influence.

For awaiting the report, to come up on 04.02.2016. ”

Thereafter on 14.07.2016 the following order was passed :-

“Learned counsel for the petitioners states that parties could not appear for getting their statements recorded due to unavoidable circumstances and seeks one more opportunity. Let the parties now appear before the Illaqa Magistrate on 24.08.2016 and get their statements recorded in terms of the order dated 02.11.2015.

Let the report of the Illaqa Magistrate be awaited for 26.09.2016.”

Thereafter, the report of the Judicial Magistrate 1st Class, Pathankot dated 13.09.2016 has been received whereby she has mentioned that the parties had appeared before her and had attested to the fact that a compromise has indeed taken place between them and that the compromise has been executed voluntarily and without any pressure.

Learned Deputy Advocate General has also accepted this fact.

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, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua the petitioners.

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

26.09.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No