

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

C.R.M-M No.30571 of 2016 (O&M)

Date of Decision : 03.11.2016

Ranjit Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. B.S.Bhalla, Advocate
for the petitioners.

Mr. R.S.Randhawa, Addl. A.G., Punjab.

Mr. Harkaran Singh, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

On 31.08.2016 the following order was passed :-

“This petition has been filed under Section 482 Cr.P.C for quashing of complaint case No.6 of 29.9.2010 registered in Computer at S.No.030200102892010 dated 19.11.2011 (Annexure P-2) under Section 3 (x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 along with Sections 323/506/34 IPC and the

summoning order dated 17.8.2015 pending in the Court of JMIC, Amritsar along with all other consequential proceedings arising therefrom on the basis of Compromise/Affidavit (Annexure P-4).

Notice of motion.

At the asking of the Court Ms. Amarjit Kaur Khurana, Additional Advocate General, Punjab accepts notice on behalf of the State.

Learned counsel for the petitioners undertakes to supply copy of the paper book to the learned counsel for the State during the course of the day.

To come up on 3.11.2016.

In the meantime, the parties are directed to be present before the trial Court on the date fixed which is stated to be 14.9.2016 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 pending against either of the parties before the next date of hearing.

Thereafter, the report of the Additional District & Sessions Judge, Amritsar dated 15.09.2016 has been received whereby he has mentioned that the parties had appeared before him 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. It is further submitted that as per the report, only criminal complaint bearing SC No.255 of 2016 titled as Dharam Singh Vs. Ranjit Singh etc. under Section 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Sections 323/506 read with Section 34 of IPC is pending before this Court in which both the parties i.e. the complainant-Dharam Singh and accused Ranjit Singh etc. have been appearing.

Learned Additional 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.

03.11.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No