

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

C.R.M-M No.30577 of 2016 (O&M)

Date of Decision : 03.11.2016

Sukhwinder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Kamalpreet Bawa, Advocate
for the petitioners.

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

Ms. Jasmine, 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 FIR No. 157 dated 2.9.2010 (Annexure P-1) under Section 467, 468, 471,120-B IPC registered at Police Station Dharamkot, District Moga on the basis of compromise dated 29.7.2016 (Annexure P- 2).

Notice of motion.

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

Ms. Lovedeep Kaur, Advocate, who is present in Court also accepts notice on behalf of respondent No.2.

Learned counsel for the petitioners undertakes to supply copy of the paper book to the learned counsel for the respondents 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 13.9.2016 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 Judicial Magistrate 1st Class,

Moga dated 17.09.2016 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 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