

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

**Criminal Misc.No.M-30791 of 2016 (O&M)
Date of Decision : 07th November, 2016**

Tek Chand and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vivek Goel, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab
for the respondent(s)-State.

Mr. K.B.S.Mann, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.56 dated 23.06.2015, registered under Sections 325, 323, 34 IPC at Police Station Kabarwala, Tehsil Malout, District Sri Muktsar Sahib and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 01.09.2016, the following order was passed:-

“Heard.

Notice of motion.

On asking of the Court, Mr. C.S.Brar, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1-State.

Mr. K.B.S. Mann, Advocate has put in appearance on his

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own on behalf of respondent No.2 and filed his Power of Attorney today in the Court. Same is taken on record.

In the light of contentions that the parties have since then effected compromise, they are directed to put in appearance before the Illaqa Magistrate, Police Station Kabarwala, Tehsil Malout, District Sri Muktsar Sahib within 15 days from today to record their statements and the Illaqa Magistrate shall make report as to its satisfaction and submit it back before the next date of hearing. The magistrate shall also intimate if any of the parties to this petition has been declared as Proclaimed Offender.

In the light of the averments made to be listed along with connected matter on 07.11.2016.”

Thereafter, the report of the Civil Judge (Junior Division) cum Judicial Magistrate Ist Class, Malout dated 14.10.2016 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 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.

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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.

07th November, 2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No