

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.240-a

CRM-M-31233-2016

Date of decision : 09.12.2016

JIWAN SINGH AND OTHERS

...PETITIONERS

VS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Himanshu Monga, Advocate for
Mr. N.K.Vadehra, Advocate
for the petitioners.

Mr. S.S.Sidhu, DAG, Punjab.

AJAY TEWARI, J (Oral)

Prayer in the present petition, filed under Section 482 of the Cr.P.C, is for quashing of cross case under Section under Section 324, 323, 148, 149 IPC (subsequently added Section 326 IPC) in FIR No. 43 dated 13.07.2012 under Sections 325, 323, 148, 149 of the IPC, at Police Station Behrampur, District Gurdaspur on the basis of a compromise, arrived at between the parties.

Pursuant to the order of this Court dated 23.07.2016 report thereafter has been received in cross-case bearing No. **CRM-M-24830-2016** to the effect that the matter has been compromised between the parties.

Counsel for the parties have also stated that in fact the matter has been compromised between the parties amicably. Counsel for the State has also confirmed this fact and states that there is no other case pending between the parties.

In view of the facts, noticed herein above, it is apparent that both the parties have arrived at a bona fide settlement. I am of the opinion that it would be in the interest of justice, as also in the interest of parties, if the present FIR and all subsequent proceedings, emanating therefrom are quashed. It is a fit case where this Court should exercise jurisdiction, under Section 482 of the Cr.P.C to put an end to these futile criminal proceedings.

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, the present petition is allowed and cross case under

Section under Section 324, 323, 148, 149 IPC (subsequently added Section 326 IPC) in FIR No. 43 dated 13.07.2012 under Sections 325, 323, 148, 149 of the IPC, at Police Station Behrampur, District Gurdaspur and all subsequent proceedings, emanating therefrom, are quashed.

December 09, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No