

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

**C.R.M-M No. 31892 of 2015 (O&M)
Date of Decision : 26.07.2016**

Gobind Ram and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Pardeep Rajput, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. V.K.Sandhir, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.478 dated 22.11.2012 registered under Sections 408/120-B IPC, at Police Station Civil Lines, Amritsar and all other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) effected between the parties.

On 22.09.2015 the following order was passed :-

“Learned counsel for the petitioners submits that the impugned FIR is being sought to be quashed on the basis of compromise Annexure P-2 and none of the petitioners is proclaimed offender.

Notice of motion for 2.11.2015.

In the meantime, parties are directed to appear before the learned trial court on or before 1.10.2015 for getting their statements recorded, so as to enable the learned court to record its satisfaction about the genuineness of the compromise. Thereafter, the learned trial court shall send its report to this Court, before the next date of hearing.”

On 11.12.2015 the following order was passed :-

“Learned counsel for the parties submit that complainant could not appear before the learned trial Court on 01.10.2015, because of a genuine difficulty. They pray for one more opportunity for the parties to appear before the learned trial Court.

Request having been found genuine, is hereby accepted.

Now the parties are directed to appear before the learned trial Court on or before 22.12.2015 for getting their statements recorded, so as to enable the learned Court to record its satisfaction about the genuineness of compromise. Thereafter, the learned trial Court shall send its report to this Court before the next date of hearing.

List on 29.01.2016.”

Thereafter, the report of the Chief Judicial Magistrate, Amritsar dated 18.01.2016 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.

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.

July 26, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No