

263 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.33032 of 2016 (O&M)
Date of Decision : 30.11.2016

Rajesh Kumar @ Sonu and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Dinesh Nagar, Advocate
for the petitioners.

Mr. K.S.Pannu, DAG, Punjab.

AJAY TEWARI, J. (Oral)

On 19.09.2016 the following order was passed :-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.122 dated 01.09.2016, under Sections 323/324/427/506/148/149 IPC(Sections 325/326 IPC added later on), registered at Police Station, Balachaur, District SBS Nagar(Nawanshahr) on the basis of compromise.

Notice of motion.

Mr.B.S.Thind, Addl.AG, Punjab, on the asking of the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioners undertakes to supply a copy of the petition to the learned DAG during the course of the day.

Adjourned to 30.11.2016.

In the meantime, parties are directed to be present before the Illaqa Magistrate on 20.10.2016 or any other date convenient to the Magistrate for recording their statements

with regard to compromise. The Illaqa Magistrate is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Illaqa Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not before the next date of hearing.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Balachaur dated 20.10.2016 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.

30.11.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No