

1. C.R.M-M No.33196 of 2016 (O&M)

..... Petitioners

Versus

..... Respondents

Davinder Singh

..... Petitioner

Versus

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sunil Agnihotri, Advocate
for the petitioner(s).

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

Mr. Anuj Thakur, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This order shall dispose of the above mentioned two petitions.

The petition bearing No. **CRM-M-33196 of 2016** has been filed

Section 482 Cr.P.C. for quashing of complaint No. 64 of 16.10.2013, under Sections 382, 426, 427, 447, 506 IPC read with Section 120-B IPC registered at Police Station, Dasuya, District Hoshiarpur and summoning

order dated 08.07.2015 whereby the petitioners have been summoned under

Sections 382/426/427/447/506 IPC read with Section 149 IPC and all other proceedings on the basis of compromise.

The petition bearing No. **CRM-M-36271 of 2016** has been filed Section 482 Cr.P.C. for quashing of P.O. proceedings in complaint No.64 dated 16.10.2013, under Sections 382, 426, 427, 447, 506 IPC read with Section 120-B IPC registered at Police Station, Dasuya, District Hoshiarpur on the ground that the petitioner was abroad and thereafter he granted interim protection and the petition for quashing was also filed.

On 19.09.2016 the following order was passed in CRM-M-33196 of 2016 :-

“This is a petition filed under Section 482 Cr.P.C. for quashing of complaint NO. 64 of 16.10.2013, under Sections 382, 426, 427, 447, 506 IPC read with Section 120-B IPC, Police Station, Dasuya, District Hoshiarpur on the basis of compromise (Annexure P-3).

Notice of motion.

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

Mr.Anuj Thakur, Advocate accepts notice on behalf of respondent No.2.

Learned counsel for the petitioners undertakes to supply one copy of the petition to the learned Addl.AG and one to learned counsel for respondent No.2 during the course of the day.

Adjourned to 30.11.2016.

In the meantime, parties are directed to be present before the trial Court on 15.10.2016, the date which is stated to be fixed there or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court 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 trial Court 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, Dasuya dated 17.10.2016 has been received in **CRM-M-33196 of 2016** 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 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, both the petitions are allowed and the above said FIR, order declaring petitioner No.1-Davinder Singh as proclaimed offender 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