

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

**C.R.M-M No.33727 of 2016 (O&M)
Date of Decision : 06.12.2016**

Kundan Singh and others Petitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. M.S.Saini, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of cross case registered vide DDR No.25 dated 10.08.2015 registered under Sections 326/324/323/34 IPC in F.I.R. No.45 dated 03.08.2015 registered under Sections 326/323/324/34 IPC at Police Station Khilchiya, District Amritsar, Rural and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

It has been brought to my notice that in the order dated 22.09.2016 it has inadvertently been mentioned that this is a petition for quashing of cross case registered vide FIR No.127 dated 10.08.2015 instead of DDR No.25 dated 10.08.2015. Therefore in the order dated 22.09.2016 the FIR No.127 dated 10.08.2015 be read as DDR No.25 dated 10.08.2015 registered under Sections 326/323/324/34 IPC in F.I.R. No.45 dated 03.08.2015.

On 22.09.2016 the following order was passed :-

“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 06.12.2016.

In the meantime, parties are directed to be present before the trial Court on 17.10.2016 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, Baba Bakala Sahib dated 27.10.2016 has been received whereby she has mentioned that the parties had appeared before her 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, this petition is allowed and the above said DDR, 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.

06.12.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No