

266 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.33942 of 2016 (O&M)
Date of Decision : 30.11.2016

Jasbir Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. B.S.Baath, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

On 26.09.2016 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.39 dated 27.01.2012 registered under Section 420 IPC at Police Station Raja Sansi, District Amritsar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

Mr. B.S.Thind, AAG, Punjab at the asking of the Court, accepts notice on behalf of respondent No.1.

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

To come up on 30.11.2016.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on the date fixed i.e. 24.10.2016 or any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the next date of hearing.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Ajnala dated 09.11.2016 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.

However, learned Deputy Advocate General on instructions from ASI Kashmir Singh states that in this case the police had filed cancellation way back in the year 2014 and the same was accepted.

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 petitioner.

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