

262 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.34238 of 2016 (O&M)
Date of Decision : 01.12.2016

Rubal and others Petitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Amit Kumar, Advocate for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Yashpal Thakur, Advocate for
Mr. Munish Raj Chaudhary, Advocate
for respondent No.2.

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.147 dated 01.07.2016 registered under Sections 307/326/341/148/149 IPC, at Police Station Salem Tabri, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties. He further states that Section 307 IPC is not attracted.

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

Mr. Munish Raj Chaudhary, Advocate has entered appearance on behalf of respondent No.2.

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

To come up on 01.12.2016. Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 24.10.2016 or on 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 and proclamation proceedings is pending against either of the parties before the next date of hearing.”

Thereafter, the report of the Judicial Magistrate 1st Class, Ludhiana dated 22.11.2016 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. It is further submitted that one criminal case Bearing FIR No.154 dated 30.10.2015 under Section 307/323/341/506/148/149 IPC is pending against petitioner No.2-Shubam Arora @ Mota in the Court of Mrs. Mandeep Kaur, ASJ, Ludhiana.

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.

01.12.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No