

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

**C.R.M-M No.35782 of 2016 (O&M)
Date of Decision : 09.12.2016**

Chet Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Charanpal Singh Bagri, Advocate for
Mr. Gopal Singh Nahel, Advocate
for the petitioners.

Mr. S.S.Sidhu, AAG, Punjab.

Mr. Ranjit Singh Sidhu, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.121 dated 18.07.2013 registered under Sections 326/341/324/323/148/149 IPC, at Police Station Lehra, District Sangrur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition.

On 05.10.2016 the following order was passed :-
"Notice of motion.

On the asking of the Court, Ms. Amarjit Kaur Khurana, Addl. A.G., Punjab has accepted notice on behalf of respondent(s)-State.

Mr. Ranjit Singh Sidhu, Advocate has appeared and filed power of attorney on behalf of respondent No.2.

Learned counsel for the petitioners undertakes to supply the complete copy of the paper book to the learned State counsel as well as learned counsel for respondent No.2 during the course of the day.

Service is complete.

In the meantime parties are directed to appear before the Chief Judicial Magistrate/Illaq Magistrate, Sangrur on 21.10.2016 any other date convenient to the Magistrate for recording their statements with regard to compromise. The 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 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.

Adjourned to 09.12.2016.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Moonak dated 24.10.2016 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. It is further stated that petitioners No.1 and 2 are also facing trial in another case bearing FIR No.122 dated 03.08.2010 under Sections 323/324/326/34 IPC registered at Police Station Lehra titled as “***State Vs. Madan Khan etc.***” in which the present complainant Gurdeep Singh is the complainant.

Learned State counsel 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 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.

09.12.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No