

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

**C.R.M-M No.35927 of 2016 (O&M)
Date of Decision : 09.12.2016**

Malkit 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 the petitioners.

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

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.26 dated 24.03.2016 registered under Sections 406/420/120-B IPC, at Police Station Mulepur, Tehsil and District Fatehgarh Sahib 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 for 09.12.2016.

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

Learned counsel for the petitioners undertakes to supply the complete copy of the paper book to the learned State counsel during the course of the day.

In the meantime parties are directed to appear before the Chief Judicial Magistrate/Illaqa Magistrate, Fatehgarh on 09.11.2016 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.”

Thereafter, the report of the Judicial Magistrate 1st Class, Fatehgarh Sahib dated 29.11.2016 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. As per report FIR No.39 dated 07.05.2016 registered under Sections 323/341/427/506/148/149 IPC at Police Station Mulepur is registered against the petitioners and FIR No.39 dated 07.05.2016 registered under Sections 323/341/427/148/149 IPC at Police Station Mulepur is registered against the complainant.

Learned counsel for the petitioners states that the aforesaid FIR No.39 dated 07.05.2016 has already been quashed by order dated 21.11.2016 passed in CRM-M-36211 of 2016.

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