

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

C.R.M-M No.36030 of 2016 (O&M)
Date of Decision : 22.12.2016

Prabhjot Singh @ Prabh Harry

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. F.S.Virk, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. G.S.Salana, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed for quashing of FIR No.58 dated 17.09.2014, registered under Sections 295-A IPC, Section 66-A of I.T. Act registered at Police Station Sanaur, Patiala and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 06.10.2016 the following order was passed:-

“This is a petition for quashing of FIR on the basis of compromise.

As per the allegations, the petitioner had sent a highly disrespectful whatsapp message about Sant Gurmit Ram Rahim

Singh on the phone of the complainant, who was follower of the Dera Sacha Sauda.

Learned counsel for the petitioner states that thereafter the petitioner has submitted a 'mafinama' and the complainant, after taking the permission, entered into compromise.

Notice of motion for 12.12.2016.

In the meantime parties are directed to appear before the Chief Judicial Magistrate/Illaqa Magistrate, District Patiala on 07.11.2016 or 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 Chief Judicial Magistrate, Patiala dated 10.11.2016 has been received. In the report, she has mentioned that the aforesaid parties have appeared before her and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

The Hon'ble 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 petitioner.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

December 22, 2016
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No