

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

**Criminal Misc.No.M-36032 of 2016 (O&M)
Date of Decision : 09th December, 2016**

Harjit Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Aminder Singh, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl. A.G., Punjab
for the respondent(s)-State.

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

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.223 dated 08.12.2015, registered under Sections 420/34 IPC, at Police Station Nathana, District Bathinda and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 06.10.2016, the following order was passed:-

“Prayer in the present petition, filed under Section 482 of the Cr.P.C, is for quashing of FIR No.223, dated 8.12.2015, registered under Sections 420/34 of the IPC, at Police Station Nathana, District Bathinda on the basis of a compromise, arrived at between the parties.

Notice of motion.

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On the asking of the Court, Mrs. Amarjit Kaur Khurana, Addl. A.G Punjab accepts notice on behalf of respondent No.1. Mr. Sukhdeep Singh Sidhu, Advocate appears on behalf of respondent No.2. Counsel for the petitioners undertakes to hand them over a copy of the petition during the course of the day.

Meanwhile, the parties through their counsel are directed to appear before the Ilaqa Magistrate on 7.11.2016, who will record their statements with regard to the compromise on the said date or on any other convenient date. 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 case is pending against either of the parties or not before the next date of hearing.

Adjourned to 9.12.2016. ”

Thereafter, the report of the Judicial Magistrate Ist Class, Bathinda dated 18.11.2016 has been received. In the report, he has mentioned that the aforesaid parties have appeared before him 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 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

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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 petitioners.

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

09th December, 2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No