

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

**C.R.M-M No.36968 of 2016 (O&M)
Date of Decision : 07.12.2016**

Babu Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Aman Dhir, Advocate
for the petitioners.

Mr. R.S.Randhawa, Addl. A.G., Punjab.

Mr. Briz Mohan, Advocate
for respondents No.2 and 3.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.93 dated 10.09.2014 registered under Sections 3/4 of Scheduled Caste and The Scheduled Tribes (Prevention of Atrocities Act) 1989 and 398/452/336/506/420/148/149 IPC and 25/27/54/59 of Arms Act at Police Station Gidderbaha, District Muktsar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 19.10.2016 the following order was passed :-

*“Notice of motion for 07.12.2016,
On the asking of the Court, Mr. B.S.Thind, AAG, Punjab,
has accepted notice on behalf of respondent(s)-State.*

In the meantime parties are directed to appear before the Chief Judicial Magistrate/Illaqa Magistrate, District Muktsar on 24.10.2016 , the date already fixed before that Court 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, Sri Muktsar Sahib dated 26.10.2016 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.

Learned Additional Advocate General 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.

07.12.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No