

261 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

C.R.M-M No.38609 of 2016 (O&M)  
Date of Decision : 19.12.2016

Ata Mohammad Bhatt

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. Dinesh Mahajan, Advocate  
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Ravinder Sharma, Advocate  
for respondents No.2 and 3.

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**AJAY TEWARI, J. (Oral)**

On 27.10.2016 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.140, dated 7.9.2010, registered under Sections 279, 304A, 427 of the IPC, at Police Station Dinanagar, District Gurdaspur on the basis of a compromise, arrived at between the parties.*

*Notice of motion for 19.12.2016.*

*On the asking of the Court, Mrs. Amarjit Kaur Khurana, Addl. A.G Punjab accepts notice on behalf of respondent No.1. Counsel for the petitioner undertakes to hand her 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 23.11.2016, 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.”*

Thereafter, the report of the Judicial Magistrate 1<sup>st</sup> Class, Gurdaspur dated 01.12.2016 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 Deputy Advocate General 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 petitioner.

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

19.12.2016  
*Pooja sharma-I*

( AJAY TEWARI )  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable :      | Yes/No |