

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

C.R.M-M No.38022 of 2015 (O&M)

Date of Decision : 26.09.2016

Manjit Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.S.Manaise, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Gagandeep Singh, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.38 dated 14.06.2015 registered under Sections 326/323/324/342/148/149 IPC at Police Station Kahnuwan, District Gurdaspur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 28.05.2016 the following order was passed :-

“Learned State counsel has put in appearance. He prays for some time to seek instructions and address the court.

On his request, adjourned to 26.9.2016.

Meanwhile, parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to compromise/settlement. Illaqa Magistrate/trial court is directed to submit a report on or before the next date of hearing containing the following information:-

- (i) number of persons arrayed as accused in FIR.*
- (ii) whether any accused is proclaimed offender.*
- (iii) whether the compromise is genuine, voluntary and without any coercion or undue influence. ”*

Thereafter, the report of the Judicial Magistrare 1st Class, Gurdaspur dated 21.09.2016 has been received whereby she has mentioned that the parties had appeared before her 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.

It is further mentioned that though complainants have stated about compromise between them and Davinder Singh and Gurlal Singh

but said Gurlal Singh did not come present before the Court for recording his statement.

Learned Deputy Advocate General has also 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.

26.09.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No