

CRM-M No.4098 of 2016 (O&M)

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

CRM-M No.4098 of 2016 (O&M)

Date of decision :04.10.2016

Varinder Singh and others

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Sagar Aggarwal, Advocate
for Mr.Ashit Malik, Advocate for the petitioners.

Mr.Ashish Sanghi, DAG, Punjab.

Mr.Vinod K.Kanwal, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No. 189 dated
29.06.2015, under Sections 454, 380, 447, 511, 506 IPC, registered at
Police Station, City Tarn Taran, District Tarn Taran on the basis of
compromise (Annexure P-2).

On 04.02.2016 the following order was passed:-

“ Learned counsel for the petitioners contends that it was a dispute between the father and the son. Now the parties have compromised the matter.

Notice of motion.

Mr. Ashish Sanghi, DAG, Punjab accepts notice on behalf of the State and Mr. Vinod Kumar Kanwal, Advocate accepts notice on behalf of respondent No.2.

Reply be filed within four weeks.

Adjourned to 29.03.2016.

In the meanwhile, the parties are directed to appear before the trial court, which shall record the statements of the parties with regard to the genuineness of the compromise and send its report to this Court on or before the date fixed.”

Thereafter, the report of Chief Judicial Magistrate , Tarn Taran dated 09.09.2016 has been received whereby he had mentioned that the parties had appeared before him and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. Learned DAG has accepted this fact.

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 FIR No. 189 dated 29.06.2015, under Sections 454, 380, 447, 511, 506 IPC, registered at Police Station, City Tarn Taran, District Tarn Taran and all other 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.

(AJAY TEWARI)
JUDGE

04.10.2016
sunita

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No