

CRM-M No. 40123 of 2015 (O&M)

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

CRM-M No. 40123 of 2015 (O&M)
Date of decision : September 7, 2016

Avinash Kaur and others,

..... Petitioners

v.

State of Punjab and another,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. MS Randhawa, Advocate
for the petitioners.

Mr. KS Pannu, DAG Punjab

Ajay Tewari, J (Oral)

CRM No.25448 of 2016

For the reasons recorded, this application is allowed and the
compromise (Annexure P-3) is taken on record.

CRM No.27741 of 2016

For the reasons recorded, this application is allowed and the
order dated 22.8.2016, passed by the JMIC, Amloh (Annexure R-1) is

taken on record.

Prayer in the present petition, filed under Section 482 of the Cr.P.C, is for quashing of FIR No.116, dated 23.09.2005, registered under Sections 406, 420, 506 of the IPC, at Police Station Amloh, District Fatehgarh Sahib on the basis of a compromise, arrived at between the parties.

Counsel for the petitioners has argued that earlier petitioner No.3-Harpreet Singh had approached this Court by way of CRM-M No.23358 of 2016 for permission to go abroad on the plea that the matter had been compromised. This Court by order dated 16.8.2016 had directed the parties to get recorded their statements before the trial Court with regard to the compromise, and after doing so, the trial Court was directed to allow the prayer of petitioner No.3. As per the learned counsel, the trial Court has passed an order dated 22.8.2016 mentioning that the parties have got recorded their statements with regard to compromise, and also granted permission to petitioner No.3 to go abroad. He prays that in view of the aforesaid facts, the present FIR should be quashed.

Learned DAG Punjab, on instructions, has accepted the aforesaid facts and has no objection if the instant FIR is quashed.

In **Gian Singh v. State of Punjab and another**, reported as 2012(4) RCR(Criminal) 543, the Hon'ble Supreme Court has discussed in detail the inherent powers of the High Court in quashing criminal proceedings 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 the 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, the present petition is allowed and FIR No.116, dated 23.09.2005, registered under Sections 406, 420, 506 of the IPC, at Police Station Amloh, District Fatehgarh Sahib, and all subsequent proceedings, emanating therefrom, are quashed.

September 07, 2016
`archana/kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No