

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

**Criminal Misc.No.M-41772 of 2015 (O&M)
Date of Decision : 22nd September, 2016**

Mohammed Akhtar alias Dola and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Saqib Ali Khan, Advocate
for the petitioners.

Mr. K.S.Pannu, DAG, Punjab,
for the respondent(s)-State.

Mr. Sarvesh Kumar Gupta, Advocate
for Mr. Mohd. Shameem Sheikh, Advocate
for respondent Nos.2 to 4.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.113 dated 01.07.2010, registered under Sections 323, 365, 427, 452, 34, 506 IPC, at Police Station City Malerkotla (now it is Police Station City II), District Sangrur and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 12.07.2016, the following order was passed:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 113 dated 01.07.2010, under Sections 323, 365, 427, 452, 34, 506 IPC, registered at Police Station, City Malerkotla(now it is P.S.City II), District Sangrur on the basis of compromise (Annexure P-2).

Criminal Misc.No.M-41772 of 2015 (O&M)

Let the parties appear before the trial Court on 20.07.2016, the date already fixed there or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court 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 trial Court 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.

Adjourned to 22.09.2016 for awaiting the report of the trial Court.”

Thereafter, the report of the Judicial Magistrate Ist Class, Malerkotla dated 09.08.2016 has been received. In the report, he has mentioned that the aforesaid parties have appeared before him and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

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.

Criminal Misc.No.M-41772 of 2015 (O&M)

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua petitioners.

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

22nd September, 2016
mamta

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable :</i>	<i>Yes/No</i>