

CRM-M No. 43179 of 2015 (O&M)

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

CRM-M No. 43179 of 2015 (O&M)

Date of decision :20.09.2016

Jeet Singh and others

..... Petitioners

Versus

State of Pun jab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms.Dhriti Sharma, Advocate for the petitioners.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

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

AJAY TEWARI, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.235 dated 04.11.2010, under Sections 419, 420, 467, 468, 471, and 120-B IPC, registered at Police Station, Civil Lines, Patiala, District Patiala on the basis of compromise. On 14.07.2016 the following order was passed:-

“ Reply has been filed. Learned counsel for the petitioners prays that the statements of the parties be got recorded. It is stated that the next date is 29.07.2016.

Let the parties appear before the trial Court on 29.07.2016 or any other date convenient to the trial 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 20.09.2016 for awaiting the report of the trial Court.”

Thereafter, the report of Judicial Magistrate 1st Class, Patiala dated 09.10.2016 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 Addl.AG and learned counsel for the complainant have 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.235 dated 04.11.2010, under Sections 419, 420, 467, 468, 471, and 120-B IPC, registered at Police Station, Civil Lines, Patiala, District Patiala 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

September 20 , 2016
sunita

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No