

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

**C.R.M-M No.43556 of 2015
Date of Decision : 11.07.2016**

Piara Singh and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. J.S. Grewal, Advocate
for the petitioners.

Mr. S.S. Sidhu, AAG, Punjab.

Ms. Manpreet Kaur, Advocate
for respondents No.2 and 3.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for

452, 341, 323, 148, 149 IPC, at Police Station City 1, Abohar, Tehsil Abohar, District Fazilka and all consequential proceedings arising therefrom including charges framed under Sections 148, 458, 325, 323, 149 and 341 IPC on the basis of compromise between the parties.

On 17.02.2016 the following order was passed:-

“Learned State counsel prays for some time to seek instructions and file reply, if any.

On his request, adjourned to 11.07.2016.

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 Sub Division Judicial Magistrate, Abohar dated 10.03.2016 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.

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

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

July 11, 2016
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(AJAY TEWARI)
JUDGE