

CRM-M No.4891 of 2016 (O&M)

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

CRM-M No.4891 of 2016 (O&M)

Date of decision :04.10.2016

Amanpreet Singh and another

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. A.S.Gill, Advocate for the petitioners.

Mr.Ashish Sanghi, DAG, Punjab.

Mr.F.S.Virk, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No. 106 dated 19.12.2014, under Sections 420, 406, 468, 471, 506, 120-B IPC, registered at Police Station, Division No.6, District Jalandhar on the basis of compromise.

On 01.06.2016 the following order was passed:-

“ *Learned counsel for the respondents pray for some time to seek instructions and address arguments. Meanwhile, parties are directed to appear before the*

Illaq Magistrate/trial court for recording their statements with regard to compromise/settlement on 15.6.2016. Illaq 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.*
- Adjourned to 4.10.2016.”*

Thereafter, the report of Civil Judge(Jr.Divn.)-cum-Judicial Magistrate 1st Class, Jalandhar dated 04.07.2016 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. He has further reported that the accused have not been declared proclaimed offenders. 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. 106 dated 19.12.2014, under Sections 420, 406, 468, 471, 506, 120-B IPC, registered at Police Station, Division No.6, District Jalandhar 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