

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

CRM-M No.6180 of 2015 (O&M)
Date of decision: 01.08.2016

Lakhwinder Singh & ors.

.... Petitioners

versus

State of Punjab & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. U.K.Agnihotri, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Jitender Kaushik, Advocate
for respondent No.3.

Ajay Tewari, J.(Oral)

This is a petition for quashing of FIR No.25 dated 04.06.2009 under Sections 452, 323, 324, 148, 149 IPC registered at Police Station Kotli Surat Malli, and all consequential proceedings including order dated 12.07.2012 on the basis of compromise dated 16.11.2014.

On 07.04.2015 the following order was passed:-

"Learned counsel for the petitioners submits that the parties have amicably resolved the matter.

Notice of motion.

The parties are directed to appear before the learned trial court on 27.04.2015 for getting their statements recorded with respect to the compromise. They shall also place on file the written compromise.

Learned trial court will report as to how many accused have been named in the case; how many victims are there and whether the compromise is genuine and voluntary in nature. Report of the learned trial court along with the statements of the parties and written compromise be awaited for 10.07.2015."

Thereafter, the report of the Judicial Magistrate, Ist Class,

Batala dated 29.04.2015 has been received whereby she had mentioned that the parties had appeared before her 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 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 FIR No.25 dated 04.06.2009 under Sections 452, 323, 324, 148, 149 IPC registered at Police Station Kotli Surat Malli, Batala and all consequential 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.

August 01, 2016
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(AJAY TEWARI)
JUDGE

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No