

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.239

CRM-M-5273-2016
Date of decision : 24.10.2016

PARAMJIT SINGH AND OTHERS

...PETITIONERS

VS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.Ashish K. Gupta, Advocate
for the petitioners.

Mr. K.S.Pannu, DAG, Punjab.

AJAY TEWARI, J (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of
the FIR.

On the last date of hearing, the following order was passed:

*“The present petitions have been filed under
Section 482 Cr.P.C. for quashing of DDR No.47-A,
dated 18.11.2015 under Sections 323, 452, 427, 148,
149, 506 IPC lodged at P.S. Nurpur Bedi, Tehsil
Anandpur Sahib, District Rupnagar and for quashing of
FIR No.152 dated 18.11.2015 registered under Sections
323, 341, 34 IPC, at P.S. Anandpur Sahib, District
Rupnagar and all other consequential proceedings*

arising therefrom on the basis of compromise effected between the parties.

To come up on 24.10.2016. Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 20.09.2016 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.

A photocopy of this order be placed on file of the connected case.”

Thereafter, the report of Judicial Magistrate 1st Class, Anandpur Sahib dated 12.10.2016 has been received to the effect that the matter has been compromised between the parties.

Counsel for the parties have also stated that in fact the matter has been compromised between the parties amicably. Counsel for the State has also confirmed this fact and states that there is no other case pending

between the parties.

In view of the facts, noticed herein above, it is apparent that both the parties have arrived at a bona fide settlement. I am of the opinion that it would be in the interest of justice, as also in the interest of parties, if the present FIR and all subsequent proceedings, emanating therefrom are quashed. It is a fit case where this Court should exercise jurisdiction, under Section 482 of the Cr.P.C to put an end to these futile criminal proceedings.

The 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, the present petition is allowed and FIR No.152, dated 18.11.2015, registered under Sections 323, 341, 34 of the IPC, at Police Stations Nurpur Bedi, Tehsil Anandpur Sahib, District Rupnagar and

all subsequent proceedings, emanating therefrom, are quashed.

October 24, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No