

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.279

CRM-M-5640-2016

Date of decision : 29.09.2016

BALWANT SINGH @ BANTA & ORS

..... Petitioner

Versus

STATE OF PUNJAB & ORS

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Amit Dhawan, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Mandeep Singh, Advocate for
Mr. Abhimanyu Vinayak, Advocate
for respondents No. 2 to 4.

AJAY TEWARI, J (Oral)

Prayer in the present petition, filed under Section 482 of the Cr.P.C, is for quashing of FIR No.60, dated 10.07.2015, registered under Sections 323, 341, 506, 148, 149 of the IPC in which offence under Section 325 IPC was added later on, at Police Station Nurmehal Distt. Jalandhar, on the basis of a compromise, arrived at between the parties.

Learned DAG pointed out that one accused Harnek Singh is not impleaded as party.

Learned counsel for the complainant-respondents No.2 to 4 states that he has made compromise with accused Harnek Singh also.

Pursuant to the order of this Court dated 11.05.2016, report dated 19.07.2016 from Judicial Magistrate 1st Class has been received attesting to the fact 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 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, the present petition is allowed and FIR No.60, dated 10.07.2015, registered under Sections 323, 341, 506, 148, 149 of the IPC in which offence under Section 325 IPC was added later on, at Police Station Nurmehal Distt. Jalandhar and all subsequent proceedings, emanating therefrom, are quashed.

September 29, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No