

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

**1. C.R.M-M No. 6983 of 2015 (O&M)
Date of Decision : 26.07.2016**

Balwinder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

2. C.R.M-M No. 40011 of 2015 (O&M)

Pargat Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.K.Singla, Advocate
for the petitioners (CRM-M-6983 of 2015).

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Gurmohan Singh, Advocate
for respondent No.2 (CRM-M-6983 of 2015)
for the petitioners (CRM-M-40011 of 2015)

AJAY TEWARI, J. (Oral)

This order shall dispose of above referred two petitions. For the sake of convenience the facts are being taken from CRM-M-6983 of 2015

The petition bearing No. **CRM-M-6983 of 2015** has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.247 dated 07.10.2014 registered under Sections 324/323/506/148/149 IPC (Section 326 IPC was added later on), at Police Station Sadar Samana District Patiala and all other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) effected between the parties.

Whereas petition bearing No. **CRM-M-40011-2015** has been filed for quashing of DDR No.29 dated 07.10.2014 registered under Sections 323/324/34 IPC at Police Station Sadar, Tehsil Samana, District Patiala.

On 03.12.2015 the following order was passed in CRM-M-40011 of 2015 :-

“Notice of motion for 18.01.2016.

List with CRM-M-6983-2015.

In the meantime, parties are directed to appear before the Area Magistrate and the Area Magistrate, after

recording statements of the complainant/victims, shall send its report qua the genuineness of the compromise along with copies of the statements.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Samana dated 12.01.2016 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a compromise has indeed taken place between them and that the compromise has been executed voluntarily and without any pressure.

Learned Deputy Advocate General has also accepted this fact.

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, this petition is allowed and the above said FIR, DDR 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.

July 26, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No