

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.6125 of 2016 (O&M)

Date of decision :12.07.2016

Jatin Kumar alias Vishu and another

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms.Pushpinder Kaur, Advocate for the petitioners.

Mr.Ashish Sanghi, DAG, Punjab.

Ms.Kiran Verma, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No.218 dated 21.11.2014
, under Sections 420/406 IPC, registered at Police Station E-Division,
District Amritsar City on the basis of compromise.

On 22.04.2016 the following order was passed:-

*“ Reply filed by way of affidavit of respondent No. 2 in
Court is taken on record, whereas the learned State counsel
seeks time to file reply.*

Adjourned to 12.07.2016.

*In the meanwhile, parties are directed to appear before
Illaq Magistrate/trial Court and the Illaq Magistrate/trial
Court, after recording their statements, shall submit its report
with regard to genuineness of the compromise.”*

Thereafter, the report of the Addl. Chief Judicial Magistrate
Amritsar dated 06.05.2016 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. 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.218 dated 21.11.2014 , under Sections 420/406 IPC, registered at Police Station E-Division, District Amritsar City 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

July 12, 2016
sunita