

CRM-M No.7861 of 2016 (O&M)

1

260 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.7861 of 2016 (O&M)

Date of decision :08.09.2016

Jarnail Singh

..... Petitioner

Versus

UT of Chandigarh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Harpreet singh, Advocate for the petitioner.
Mr.Amandeep Singh Gill, Addl.PP, UT Chandigarh.
Mr.Kirandeep Singh, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 460 dated 13.12.2015, under Sections 279, 337 IPC, registered at Police Station, Sector 26, Chandigarh on the basis of compromise (Annexure P-2). On 12.05.2016 the following order was passed:-

“ *Learned counsel for the petitioner stated that there is compromise between the parties.* ”

In the circumstances, the parties are directed to appear before the trial Court who shall record the statements of the parties and submit its report whether the compromise effected between the parties, is genuine and is without any coercion, pressure or undue influence.

List on 08.09.2016.”

Thereafter, the report of Additional Chief Judicial Magistrate, Chandigarh dated 030.08.2016 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 Addl.PP 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 the FIR No. 460 dated 13.12.2015, under Sections 279, 337 IPC, registered at Police Station, Sector 26, Chandigarh and all other proceedings arising therefrom are quashed qua the petitioner.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

September 08 , 2016
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No