

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

**Criminal Misc.No.M-8683 of 2016 (O&M)
Date of Decision : 22nd September, 2016**

Makhan Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Preet Kamal, Advocate
for Mr. Rajiv Joshi, Advocate
for the petitioners.

Mr. K.S.Pannu, DAG, Punjab
for respondent No.1-State.

None for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.67 dated 15.06.2013, registered under Sections 420, 466, 467, 468, 471, 120-B IPC, at Police Station Goraya, District Jalandhar and all consequential proceedings arising therefrom on the basis of compromise between the parties.

On 13.07.2016, the following order was passed:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 67 dated 15.06.2013, under Sections 420/466/467/468/471/120- B IPC, registered at Police Station Goraya, District Jalandhar on the basis of compromise (Annexure P-2).

Learned counsel for the petitioner undertakes to supply

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a copy of the petition to the learned DAG as well as to learned counsel for respondent No.2 during the course of the day.

Adjourned to 22.09.2016.

In the meantime let the parties before the trial Court on 22.08.2016 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not before the next date of hearing. .”

Thereafter, the report of the Judicial Magistrate Ist Class, Phillaur dated 26.08.2016 has been received. In the report, he has mentioned that the aforesaid parties have appeared before him and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

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

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is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua petitioners.

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

22nd September, 2016

mamta

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No