

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.9713 of 2016 (O&M)

Date of decision :20.07.2016

Gurdeep Singh Kooner

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: None for the petitioner.

ASI Ravinder Kumar in person.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No. 202 dated 16.12.2014, under Sections 420, 120-B IPC, registered at Police Station Model Town, District Ludhiana City on the basis of compromise.

On 21.03.2016 the following order was passed:-

“ Prayer in this petition is for quashing of and all the proceedings subsequent arising thereto on the basis of compromise.

Notice of motion for 28.4.2016.

At this stage, Mr. Pawan Deep Singh, Advocate has put in appearance on behalf of respondent No.2 and filed power of attorney on his behalf, which is taken on record. He admits the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 12.4.2016. The Illaqa Magistrate/Trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) number of persons arrayed as accused in FIR.*
- (ii) whether any accused is proclaimed offender.*
- (iii) whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

Thereafter, the report of Judicial Magistrate 1st Class, Ludhiana dated 12.04.2016 has been received whereby he had mentioned that the complainant and the present petitioner 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. He has further reported that there were two accused in the present case and the other one namely Vikas Goyal has not been arrested so far and no one has been declared proclaimed offender in this case. ASI Ravinder Kumar 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. 202 dated 16.12.2014, under Sections 420, 120-B IPC, registered at Police Station Model Town, District Ludhiana City 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

July 20, 2016
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