

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.6040 of 2016

Date of decision: 04.07.2017

Harjinder @ Jinder & ors.

.... Petitioners

versus

State of Punjab & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Liaqat Ali, Advocate and
Mr. Amandeep Chabbra, Advocate
for the petitioners.

Mr. V.G.Jauhar, Sr. DAG, Punjab.

Rajiv Narain Raina, J. (Oral)

The instant petition has been filed under Section 482 Cr.PC for quashing of the case FIR No.269 dated 05.12.2015 registered under Sections 323, 324, 341, 506, 326, 148, 149 IPC at Police Station Phillaur, District Jalandhar and all other subsequent proceedings arising therefrom on the basis of compromise dated 25.01.2016.

Mr. Liaqat Ali, Advocate submits that he has no objection on the appearance of Mr. Chabbra on behalf of the petitioners and prays for leave to withdraw his vakalatnama.

Prayer accepted.

It is contended by the learned counsel for the petitioners that the parties have resolved their dispute amicably and in view of this, they do not wish to pursue with the litigation any further.

On 18.02.2016, this Court directed the parties to appear before the Trial Court and get their statements recorded in support of their claim that the matter has been compromised. Trial Court was also directed to send the report about the factum of compromise and also the fact that such statements were not result of any undue pressure or coercion.

Report has since been received from the concerned Court and according to it, petitioners as well as respondent no.2 have appeared and got recorded their statements on their own free will in support of their compromise.

In view of the above facts and also keeping in view the observations of Full Bench in **Kulwinder Singh versus State of Punjab 2007 (3) Law Herald 2225**, and the law in Supreme Court judgment in **Gian Singh vs. 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 and all consequential proceedings arising therefrom are quashed qua

petitioner.

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

(RAJIV NARAIN RAINA)
JUDGE

04.07.2017
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| 1. Whether speaking/non-speaking? | Yes/No |
| 2. Whether reportable? | Yes/No |