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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 7739 of 2017
Date of Decision: 10.07.2017

Dilbagh Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJIV NARAIN RAINA*

Present: Mr. Mohit Garg, Advocate,
for the petitioners.

Mr. V.G. Jauhar, Senior D.A.G., Punjab.

Mr. Amarbir S.Pahwa, Advocate,
for respondent No. 2.

RAJIV NARAIN RAINA, J.(Oral)

Mr. V.G. Jauhar, Senior D.A.G., Punjab, has filed reply on
behalf of the State and the same is taken on record.

On 08.03.2017, the following order was passed by this Court:-

*“The instant petition has been filed under
Section 482 Cr.P.C. seeking quashing of FIR No.160,
dated 01.08.2014, under Sections
420/465/467/468/471/120-B IPC, registered at Police
Station Salem Tabri, District Ludhiana on the basis of
compromise which as per counsel has been entered into*

with the complainant/respondent No.2, Ram Lubhaya.

Notice of motion, returnable for 10.07.2017.

At this stage, Mr. Amarbir Singh Pahwa, Advocate has put in appearance on behalf of the complainant/respondent No.2 and concedes to the factum of the compromise having been arrived at.

Since the matter is stated to be still under investigation, parties are directed to appear before the Illaqa Magistrate concerned on 17.03.2017 for recording of their statements in support of the compromise.

A report as regards veracity of the compromise be furnished to this Court on or before the adjourned date.”

Thereafter, the report has been submitted by the Judicial Magistrate Ist Class, Ludhiana, by his letter dated 22.03.2017, addressed to the Registrar General. 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 Supreme Court in **Gian Singh v. State of Punjab and another, 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.160, dated 01.08.2014, registered under Sections 420/465/467/468/471/120-B IPC, at Police Station Salem Tabri, District Ludhiana, against the accused persons in this petition, and all consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise.

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

July 10, 2017
Apurva

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No