

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

256

CRM-M No.772 of 2019

Date of Decision : 21.2.2019

Kali Charan alias Kala and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

256/A

CRM-M No.1954 of 2019

Vijay Kumar and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vijay Lath, Advocate &
Mr. Naveen Sharma (Moudgil), Advocate
for the petitioners in **CRM-M No.772 of 2019**
for respondents No.2 to 6 in **CRM-M No.1954 of 2019**

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Jouish Rattan, Advocate for
Mr. Surinder Sharma, Advocate
for the petitioners in **CRM-M No.1954 of 2019**
for respondents No.2 to 7 in **CRM-M No.772 of 2019**

AJAY TEWARI, J. (Oral)

These petitions have been filed under Section 482 Cr.P.C. for
quashing of FIR No.111 dated 24.06.2017 under Sections 341, 343, 323,
148, 149 subsequently added Section 326 IPC as well as DDR No.03 dated

30.06.2017 under Sections 341, 323, 148, 149, 506 IPC registered at Police Station Kharar, District SAS Nagar (Mohali), Punjab and all other consequent proceedings on the basis of compromise.

On 10.01.2019, the following order was passed in **CRM-M-772-2019**:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.111 dated 24.06.2017 registered under Sections 341/343/323/148/149 subsequently added Section 326 IPC at Police Station Kharar, District SAS Nagar (Mohali) and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

On the asking of the Court, Ms.Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the respondent No.1-State. Mr. Surinder Sharma, Advocate has entered appearance on behalf of respondents No.2 to 7.

Learned counsel for the petitioners undertakes to supply two copies of the petition to the learned opposite counsel during the course of the day.

To come up on 21.02.2019.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 24.01.2019 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.”

On 17.01.2019, the following order was passed in **CRM-M-1954-2019** :-

“Prayer in this petition is for quashing of DDR No.03 dated 30.06.2017 under Sections 341, 323, 148, 149, 506 IPC, registered

in FIR No.111 dated 24.06.2017, at Police Station Kharar, District SAS Nagar (Mohali) and all the subsequent proceedings arising therefrom, on the basis of compromise.

Learned counsel for the petitioners submits that in CRM-M-772- 2019, praying for quashing of the cross-case/FIR No.111, notice of motion has been issued for 21.02.2019 and the parties are directed to appear before the trial Court/Illaq Magistrate on 24.01.2019 for recording their statements with regard to the compromise.

Notice of motion for 21.02.2019.

On asking of the Court, Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of respondent No.1 while Mr. Naveen Sharmna, Advocate has appeared on behalf of respondents No.2 to 6.

Learned counsel for the petitioners is directed to supply a copy of paper book to counsel opposite during course of the day.

To be listed along with CRM-M-772-2019.

In the meantime, parties are directed to appear before the trial Court/Illaq Magistrate on 24.01.2019 for recording their statements with regard to compromise/settlement and the report be submitted on or before the next date of hearing containing the following information: -

- 1. Number of persons arrayed as accused in FIR,*
- 2. Whether any accused is proclaimed offender, and*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other FIR or not.*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR”*

Thereafter, the report of the Judicial Magistrate Ist Class, Kharar dated 16.02.2019 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a compromise has indeed taken place between them with free will, without coercion and pressure and the compromise and the terms of the settlement are genuine. No accused is proclaimed offender in that case.

Learned State Counsel has also accepted this fact.

The 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 above said FIR as well as DDR and all consequential proceedings arising therefrom are quashed qua the petitioners.

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

A photocopy of this order be placed on the file of other connected case.

21.2.2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No