

262 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

C.R.M-M No.1376 of 2019 (O&M)  
Date of Decision : 26.02.2019

Rajbir Singh & ors.

..... Petitioners

Versus

Gurtej Singh & anr.

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. Achin Gupta Advocate  
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

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**AJAY TEWARI, J. (Oral)**

This petition has been filed under Section 482 Cr.P.C. for quashing of complaint No.55 dated 30.04.2016 titled as Gurtej Singh vs. Paramjit Kaur and others, under Sections 323, 324, 326, 342, 343, 166, 167, 120-B, 506 IPC 1860 and summoning order dated 24.04.2017 and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 15.01.2019 the following order was passed :-

*“The present petition has been filed under Section 482 Cr.P.C. for quashing of Complaint No.55 dated 30.04.2016 titled as Gurtej Singh vs. Paramjit Kaur and others, under Sections 323, 324, 326, 342, 343, 166, 120-B, 506 IPC and summoning order dated 24.04.2017 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, Mr. Ramandeep Sandhu, Sr. Deputy Advocate General, Punjab accepts notice on behalf of the respondent No.2. The complainant-respondent No.1 has entered appearance in person. Counsel for the petitioners undertakes to supply a copy of the petition to the learned Sr. D.A.G. during the course of the day.*

*To come up on 26.02.2019. Meanwhile, the parties are directed to be present before the trial Court on the date fixed which is stated to be 30.01.2019 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.”*

Thereafter, the report of the Judicial Magistrate 1<sup>st</sup> Class, Faridkot dated 31.01.2019 has been received wherein it has been mentioned that :-

- “1. As per statements of both the parties they have settled the matter. I am satisfied that the compromise effected between them is genuine, voluntary and without any kind of undue influence and coercion.*
- 2. A criminal case bearing FIR No.83 dated 25.06.2017 under Sections 380/447/448/506 IPC, Police Station Sadar Kotkapura is pending against the complainant Gurtej Singh in the Court of Ms. Palwinderjit Kaur, learned Additional Chief Judicial Magistrate, Faridkot and complainant Gurtej Singh is*

*appearing as an accused. No proclamation proceedings is pending against the complainant Gurtej Singh. No criminal case and proclamation proceedings are pending against the accused/petitioners.”*

Learned Senior Deputy Advocate General, Punjab 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 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.

**26.02.2019**

*Pooja sharma-I*

Whether speaking/reasoned  
Whether Reportable :

**( AJAY TEWARI )  
JUDGE**

Yes/No  
Yes/No