

266 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.1129-2019 (O&M)
Date of Decision : 18.3.2019

Balkar Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rishabh Gupta, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Ms. Benki Kaur, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.121 dated 11.9.2016, under Sections 353, 186, 506 IPC, registered at Police Station Sadar District Hoshiarpur, Punjab and all other consequential proceedings arising therefrom on the basis of compromise.

On 14.1.1.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.121 dated 11.09.2016 registered under Sections 353, 186 and 506 IPC at Police Station Sadar,

District Hoshiarpur 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.1. Ms. Benki Kaur, Advocate has entered appearance on behalf of respondent No.2. Counsel for the petitioner undertakes to supply a copy of the petition to the learned opposite counsel during the course of the day.

To come up on 11.02.2019. Meanwhile, the parties are directed to be present before the trial court on the date fixed which is stated to be 21.01.2019 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 Addl. Chief Judicial Magistrate, Hoshiarpur dated 6.2.2019 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a genuine compromise has indeed taken place between them voluntarily with free will and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

Learned State Counsel on instructions from ASI Dilbagh Singh

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 FIR No.58 dated 3.8.2017, under Sections 279, 337, 338 IPC, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib and all consequential 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.

18.3.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No