

Date of Decision : 13.03.2019

Sh.Subhash Chander
..... Petitioner

Versus

State of Punjab & ors. Respondents

Subhash Chander
..... Petitioner

Versus

State of Punjab Respondent

Subhash Chander
..... Petitioner

Versus

State of Punjab Respondent

Subhash Chander
..... Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Vishal Sodhi, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Gagandeep Sirphikhi, Advocate
for respondents No.2 to 5 (CRM-M-1603-2019).

AJAY TEWARI, J. (Oral)

This order shall dispose of the above mentioned four petitions.

Since common questions of law and facts are involved therein, they are being decided by this common order.

CRM-M-1603-2019 and CRM-M-22780-2016

On 23.01.2019 the following order was passed in **CRM-M-1603 of 2019 :-**

Petition bearing CRM-M-1603-2019 has been filed for quashing of FIR No.63 dated 26.05.2014 registered under Sections 420/406 IPC at P.S. Phagwara City, District Kapurthala and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Petition bearing CRM-M-27334-2016 has been filed for conducting a fair and impartial investigation and to further registration of FIR against accused persons.

Petition bearing CRM-M-27381-2016 for quashing of FIR No.63 dated 26.05.2014 registered under Sections 420/406 IPC at P.S. Phagwara City, District Kapurthala and all other consequential proceedings arising therefrom on merits.

Petition bearing CRM-M-22780-2016 has been filed for quashing of impugned order dated 18.08.2015 declaring the petitioner as proclaimed offender by the trial Court in FIR

No.63 dated 26.05.2014 registered under Sections 420/406 IPC at P.S. Phagwara City, District Kapurthala.

It is stated that the matter has been compromised between the parties in the Mediation Centre of this Court and the case is fixed for evidence before the trial Court.

Notice of motion in CRM-M-1603-2019.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. Deputy Advocate General, Punjab accepts notice on behalf of the respondent No.1. Mr. Gagandeep Sirphikhi, Advocate has entered appearance on behalf of respondent Nos.2 to 5. 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 13.03.2019. Meanwhile, the parties are directed to be present before the trial Court on the date fixed which is stated to be 12.02.2019 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 (apart from the aforesaid proclamation proceedings initiated against the petitioner) is pending against either of the parties before the next date of hearing.

The arrest of the petitioner shall remain stayed to enable him to make the statement.

Photocopy of this order be placed on files of the connected cases.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Phagwara dated 07.03.2019 has been received wherein it has been mentioned that :-

- “(i) As per the report of Criminal Ahlmad no P.O. proceeding is pending against any accused and accused Subhash Chander is already P.O. in the present case.*
- (ii) As per statement of complainant Ganesh Kumar there is no other criminal case between them is pending at present.*
- (iii) This Court is satisfied that settlement agreement/compromise executed before Mediation/conciliation Centre, Punjab & Haryana High Court, Chandigarh has been effected between the parties with their free will, voluntarily and without any pressure or coercion in any manner and above settlement agreement/compromise is genuine.”*

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, these petitions are allowed and the above said FIR and the impugned order dated 18.08.2015 and all consequential proceedings arising therefrom are quashed qua petitioner.

CRM-M-27381-2016 and CRM-M-27334-2016

Learned counsel for the petitioner states that the present petitions have been rendered infructuous as the compromise have been taken place between the parties and the same may be dismissed as such.

Allowed as prayed for.

Dismissed as having been rendered infructuous.

Since the main cases have been decided, the pending Criminal Misc. Applications, if any, also stand disposed of.

13.03.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No