

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

**C.R.M-M No.1655 of 2019 (O&M)
Date of Decision : 24.5.2019**

Baldev Singh and others Petitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Neeraj Madaan, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Ishaan Singh, 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.37 dated 25.2.2016, under Sections 382/34 IPC and Sections 212 & 216A IPC (added later on) registered at Police Station Nihal Singh Wala, District Moga on the basis of compromise.

Reply dated 24.5.2019 by way of affidavit of Gurdev Singh Bhalla, PPS, Deputy Superintendent of Police, Nihal Singh Wala, District Moga has been filed on behalf of the respondent No.1, the same is taken on record. Copy has been supplied to the opposite counsel.

On 12.4.2019 the following order was passed :-

“Counsel for the petitioners seeks more time to place on record the details of the investigation.

Adjourned to 24.05.2019.

Meanwhile, the parties are directed to be present

before the Illaqa Magistrate/trial Court on 18.4.2019 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 Sub Divisional Judicial Magistrate, Nihal Singh Wala dated 22.4.2019 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 and the compromise is genuine, voluntarily and is not the result of any pressure, coercion or undue influence in any manner 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 Harbans Lal 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.

24.5.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No